

17629. Misbranding of canned peaches. U. S. v. 93 Cases * * *. (F. D. C. No. 30940. Sample Nos. 23272-L, 23273-L.)

LIBEL FILED: April 27, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about March 3, 1951, by George Noroian Co., from Dinuba, Calif.

PRODUCT: 93 cases, each containing 24 1-pound, 14-ounce cans, of peaches at New York, N. Y.

LABEL, IN PART: (Can) "Connoisseur JW Fancy Halves Nectar Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the product failed to bear, as required by the regulations prescribing a definition and standard of identity for canned peaches, the name of the optional peach ingredient and the name of the optional packing medium present in the product. The label bore the statement "Nectar Peaches In Extra Heavy Syrup," whereas the peach ingredient was white freestone peaches and the packing medium was heavy sirup.

DISPOSITION: June 5, 1951. Jules Weber, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, so as to bring it into compliance with the law, under the supervision of the Federal Security Agency.

17630. Misbranding of canned pears. U. S. v. 271 Cases * * *. (F. D. C. No. 30756. Sample Nos. 4873-L, 4878-L, 28452-L.)

LIBEL FILED: March 15, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 5, 1951, by Hunt Foods, Inc., from Alameda, Calif.

PRODUCT: 271 cases, each containing 24 1-pound, 13-ounce cans, of pears at Charlestown, Mass.

LABEL, IN PART: (Can) "Hunt's Halves Bartlett Pears In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product failed to comply with the standard of fill of container for canned pear halves since it did not contain the maximum quantity of pear halves which could be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient, as the standard specifies; and its label failed to bear a statement that the product fell below such standard.

DISPOSITION: July 24, 1951. Hunt Foods, Inc., Fullerton, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and relabeling of the misbranded cans, under the supervision of the Federal Security Agency.

FROZEN FRUIT

17631. Adulteration of frozen fruit. U. S. v. 300 Cans * * * (and 9 other seizure actions). (F. D. C. Nos. 20858, 21043, 21130, 21168, 21215, 21216, 21231, 21236, 21687, 22200. Sample Nos. 1689-H, 1692-H, 1947-H, 1973-H, 50997-H, 50999-H, 53090-H, 57208-H, 57430-H, 60725-H.)

LIBELS FILED: September 9 and 25, October 5, 9, 10, 11, and 15, and November 26, 1946, and January 23, 1947, Western District of New York, Eastern and Middle Districts of North Carolina, District of Minnesota, Northern District

of Ohio, Eastern District of South Carolina, District of Rhode Island, and District of Massachusetts.

ALLEGED SHIPMENT: On or about March 19, April 3 and 8, May 2, July 9, 11, and 20, August 11, and September 10, 1946, by the Sunshine Packing Corp., from North East, Pa.

PRODUCT: 200 32-pound cans of sliced strawberries at Rochester, N. Y.; 140 32-pound cans of sliced strawberries at Greensboro, N. C.; 1,125 32-pound cans of sliced strawberries at Minneapolis, Minn.; 300 30-pound cans of black raspberries at Cleveland, Ohio; 225 32-pound cans of sliced strawberries at Wake Forest, N. C.; 5 45-pound cans of black raspberry puree and 13 45-pound cans of strawberry puree at Charleston, S. C.; 36 45-pound cans of strawberry puree at Newport, R. I.; 15 45-pound cans of strawberry puree at Middletown, R. I.; and 95 30-pound cans of black raspberries at Springfield, Mass.

LABEL, IN PART: (Carton) "Strawberry Puree"; (can) "St. Berry Puree Spec. Process," "Fancy Sliced Strawberries Sugar Packed," "Fancy Black Raspberries Packed in Syrup," and "Black Rasp. Puree Sugar Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances by reason of the presence of decomposed strawberry material or raspberry material.

DISPOSITION: The above cases were consolidated for trial in the Northern District of Ohio, and on August 7, 1950, the Sunshine Packing Corp., North East, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered which covered all of the articles except the 225 32-pound cans of sliced strawberries located at Wake Forest, N. C. The court ordered that the articles located at Charleston, S. C., and Newport and Middletown, R. I., be destroyed at once, and that the articles located at Greensboro, N. C., Springfield, Mass., Rochester, N. Y., Minneapolis, Minn., and Cleveland, Ohio, be released under bond to the claimant for segregation and bringing into compliance with the law in lieu of destruction, under the supervision of the Federal Security Agency.

On November 6, 1950, the Sunshine Packing Corp. having consented to the entry of a decree condemning the lot located at Wake Forest, N. C., judgment of condemnation was entered providing for disposition of the product in the same manner as the goods that had been ordered released under the consolidated decree.

17632. Adulteration of frozen strawberries. U. S. v. 199 Cans * * *
(F. D. C. No. 30991. Sample No. 11442-L.)

LABEL FILED: June 11, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 12, 1951, by Frigid Food Products, Inc., from McKenzie, Tenn.

PRODUCT: 199 unlabeled cans, each containing 30 pounds, of frozen strawberries at Toledo, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

PROPOSITION: July 12, 1951. Default decree of condemnation and destruction.