19723. Misbranding of canned pears. U. S. v. 25 Cases * * *. (F. D. C. No. 34142. Sample No. 40910–L.)

LIBEL FILED: November 18, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about October 4, 1952, by the Apple Growers Association, from Hood River, Oreg.

PRODUCT: 25 cases, each containing 24 1-pound, 13-ounce cans, of pears at Hackensack, N. J.

LABEL, IN PART: "Silver Grille Brand Hood River * * * Bartlett Pear Halves in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since all the units were not untrimmed, or were so trimmed as not to preserve their normal shape, and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 2, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization.

DRIED FRUIT *

19724. Adulteration of dried pears and dried apricots. U. S. v. 29 Cases, etc. (F. D. C. No. 33007. Sample Nos. 7534–L to 7537–L, incl.)

LIBEL FILED: April 7, 1952, Western District of New York.

ALLEGED SHIPMENT: On or about February 7, 1952, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

PRODUCT: 29 25-pound cases of dried pears and 59 25-pound cases and 5 30-pound cases of dried apricots at Buffalo, N. Y.

LABEL, IN PART: "Ensign Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent excreta, rodent hairs, insects, and insect parts; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 20, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

The products were sorted, with the result that ½ pound of dried pears and 388½ pounds of dried apricots were found unfit.

JAMS, JELLIES, AND PRESERVES

19725. Misbranding of fruit spread. U. S. v. 170 Cases, etc. (F. D. C. No. 32974. Sample Nos. 13026–L to 13030–L, incl.)

LIBEL FILED: March 28, 1952, District of New Mexico.

ALLEGED SHIPMENT: On or about January 3, 1952, by Leverton & Co., from Houston, Tex.

PRODUCT: 346 cases, each containing 24 12-ounce jars, of fruit spread at Albuquerque, N. Mex.

LABEL, IN PART: (Jar) "Purefruit Brand * * * Strawberry [or "Blackberry," "Apricot," "Pin-Cot," or "Peach"] Fruit Spread."

*See also Nos. 19739, 19740.