

DISPOSITION: June 29, 1953: Michigan Fruit Cannery, Inc., 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 under the supervision of the Department of Health, Education, and Welfare.

MISCELLANEOUS FRUIT PRODUCT

20324. Adulteration of lekvar. U. S. v. 67 Tins, etc. (F. D. C. No. 34457. Sample No. 37887-L.)

LABEL FILED: December 24, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 6, 1952, the Harter Packing Co. shipped a consignment of prunes from Yuba City, Calif., to New York, N. Y., where the juice was extracted and the residue sold to Adolph J. Mainzer, Inc., Long Island City, N. Y., which residue was used with other ingredients to make the lekvar.

PRODUCT: 67 40-pound tins and 8 300-pound drums of lekvar at Long Island City, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts. The product was adulterated when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: March 5, 1953. Default decree of condemnation and destruction.

VEGETABLES*

20325. Misbranding of stuffed olives. U. S. v. Walter S. Mills, Jr. (Epicure Specialties). Plea of guilty. Fine, \$200. (F. D. C. No. 33827. Sample Nos. 26239-L, 26668-L, 26669-L, 41439-L.)

INFORMATION FILED: November 12, 1952, Southern District of New York, against Walter S. Mills, Jr., trading as Epicure Specialties, New York, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of November 21, 1951, and June 12, 1952, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Mar-Se Stilton [or "Roquefort" or "Cheddar"] Stuffed Cocktail Olives Drained Weight 3½ Ozs. Packed Exclusively For Penn Food Distributors, Inc. Philadelphia, Pa." and "Mar-Se Triple Stuffed Olives Cont. Drained Wt. 3½ Oz. Packed Exclusively for Penn Food Distributors, Inc. Philadelphia, Pa."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the labels of the article failed to bear an accurate statement of the quantity of the contents. The labels of the article bore statements representing the drained weight of the article to be 3½ ounces, which statements were inaccurate since the article contained less than the stated quantity.

DISPOSITION: July 17, 1953. The defendant having entered a plea of guilty, the court fined him \$200.

20326. Misbranding of canned peas. U. S. v. 10 Cases * * *. (F. D. C. No. 34924. Sample No. 73021-L.)

LABEL FILED: April 16, 1953, Eastern District of Pennsylvania.

*See also No. 20314.