

**PRODUCT:** 838 cases, each containing 24 1-pound, 3-ounce cans, of cherries at Philadelphia, Pa.

**LABEL, IN PART:** "Frankford Brand Sour Pitted Red Cherries."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since more than 15 percent of the cherries in the container were blemished with scab and skin discoloration, and the label failed to bear, as required by the regulations, a statement that the product fell below the standard.

**DISPOSITION:** January 10, 1951. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

### FROZEN FRUIT

16981. Adulteration of frozen apricots. U. S. v. 21 Cases \* \* \*. (F. D. C. No. 30145. Sample No. 77437-K.)

**LABEL FILED:** On or about November 17, 1950, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 17, 1946, from Seattle, Wash.

**PRODUCT:** 21 cases, each containing 36 1-pound cartons, of frozen apricots at Springfield, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration and disagreeable odor and taste. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 19, 1950. Default decree of condemnation and destruction.

### VEGETABLES\*

16982. Adulteration of dried beans. U. S. v. 7 Cases, etc. (F. D. C. No. 30234. Sample Nos. 82098-K, 82099-K.)

**LABEL FILED:** November 8, 1950, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about August 8 and 23, 1949, from Indianapolis, Ind.

**PRODUCT:** Dried beans. 7 cases, each containing 18 2-pound bags, and 11 cases, each containing 24 1-pound bags, at Shelby, N. C.

**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. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 22, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for animal use only.

16983. Misbranding of canned peas. U. S. v. 38 Cases \* \* \*. (F. D. C. No. 30265. Sample No. 75284-K.)

**LABEL FILED:** November 20, 1950, District of Colorado.

\*See also No. 16976.

**ALLEGED SHIPMENT:** On or about August 29, 1950, by the Big Horn Canning Co., from Cowley, Wyo.

**PRODUCT:** 38 cases, each containing 24 cans, of peas at Denver, Colo.

**LABEL, IN PART:** (In large conspicuous type) "Cowley Sweet Peas"; (in small inconspicuous type) "Net Contents 1 Lb."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned peas, and the label failed to bear a statement that the product fell below the standard; Section 403 (a), the label statement "Size of Can No. 2" was false and misleading since the product was packed in No. 303 size cans; and, Section 403 (f), the quantity of contents statement, required by Section 403 (e) (2) of the Act, was not prominently placed on the label with such conspicuousness (as compared with other statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** January 5, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

**16984. Adulteration of dried black-eyed peas. U. S. v. 54 Bags, etc. (F. D. C. No. 29849. Sample Nos. 82045-K, 82047-K.)**

**LIBEL FILED:** October 27, 1950, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about July 2 and August 5, 1950, from Mineola, Tex.

**PRODUCT:** Dried black-eyed peas. 54 bags, a portion weighing 100 pounds and the remainder 90 pounds, and 50 25-pound bags, at Charlotte, N. C.

**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. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 26, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

#### TOMATOES AND TOMATO PRODUCTS

**16985. Adulteration and misbranding of canned tomatoes. U. S. v. 98 Cases \* \* \* (F. D. C. No. 29778. Sample No. 81896-K.)**

**LIBEL FILED:** October 3, 1950, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about August 15, 1950, by C. C. Cole, from Hague, Va.

**PRODUCT:** 98 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Madison, N. C.

**LABEL, IN PART:** (Can) "Cole Brand Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the product fell below the standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the product was substandard in quality since it contained tomato peel per pound of canned tomatoes in the container which covered an area of more than one square inch, and the label on the container failed to bear a statement that the product fell below the standard.