LABEL IN PART: "Tusan Brand * * * Thompson Seedless Raisins."

CHARGE: 402 (a) (3)—contained insects and insect parts; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 4–4–55. Default—destruction.

FRESH FRUIT

22332. Fresh blueberries. (F. D. C. No. 37147. S. Nos. 23–061 M, 23–063 M.)

QUANTITY: 5 crates, 24 1-qt. boxes each, at Boston, Mass.

SHIPPED: 7–14–55, from New Ipswich, N. H., by Leo Somero and Nick Somero.

LIBELED: 7–18–55, Dist. Mass.

CHARGE: 402 (a) (3)—contained maggots when shipped.

DISPOSITION: 8–2–55. Default—destruction.

FROZEN FRUIT

22333. Frozen strawberries. (F. D. C. No. 37223. S. No. 87–388 L.)

INFORMATION FILED: 2–8–55, W. Dist. Wash., against Valley Packers, Inc., Puyallup, Wash., and Cecil F. Johannes, president.

SHIPPED: 7–17–53, from Washington to Louisiana.

LABEL IN PART: (Can) "Whole Marshall Strawberries * * * Net Wt. 30 Lbs."

CHARGE: 402 (a) (3)—contained decomposed strawberry material when shipped.

PLEA: Nolo contendere.

DISPOSITION: 5–12–55. Corporation and individual each fined $150.

VEGETABLES*

22334. Canned dried black-eyed peas. (F. D. C. No. 31525. S. No. 13–435 L.)

QUANTITY: 149 cases, 24 1-lb., 4-oz. cans each, at Denver, Colo.

SHIPPED: 8–7–51, from Phoenix, Ariz., by Arizona Canning Co.

LABEL IN PART: (Can) "Silver Brand * * * Dried Black Eyed Peas."

LIBELED: 9–13–51, Dist. Colo.

CHARGE: 402 (b) (2)—brine was substituted in part for black-eyed peas when shipped.

DISPOSITION: On 3–4–52, Arizona Canning Co., claimant, filed an answer denying the adulteration of the article as alleged in the libel. Subsequently, interrogatories were propounded to the claimant, which were answered, and the case came to trial before the court without a jury on 5–4–53. On 7–14–53, the court handed down the following findings of fact and conclusions of law:

KNOUS, *District Judge:*

FINDINGS OF FACT

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"On or about August 7, 1951, the Arizona Canning Company, Phoenix, Arizona, shipped from Arizona to Denver, Colorado, an article of food consisting of 149 cases, more or less, of canned dried black eyed peas, part of

*See also Nos. 22336, 22337, 22346, 22350.