

**CHARGE:** The complaint alleged that the defendants had been and were engaged in the business of cooking, picking, preparing, packing, and shipping, in interstate commerce, crabmeat which was adulterated within the meaning of 402 (a) (3) and (4) in that it contained a filthy animal substance and had been prepared and packed under insanitary conditions.

The complaint alleged further that investigations made by Food and Drug Administration inspectors had revealed the existence of insanitary conditions in defendants' plant; that the defendants had been warned to remedy the defects existing in their method of operation and not to ship products that were adulterated in violation of the Federal Food, Drug, and Cosmetic Act; that despite such warnings, the defendants had failed to remedy the defects existing in their plant and were continuously manufacturing and packing adulterated crabmeat; and that the defendants would continue to ship adulterated crabmeat in interstate commerce unless restrained.

**DISPOSITION:** On 9-18-42, the court issued a preliminary injunction enjoining the defendants from introducing or delivering for introduction into interstate commerce any crabmeat that was adulterated by reason of consisting in whole or in part of any filthy, putrid, or decomposed substance, or being otherwise unfit for food, or by reason of having been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or been rendered injurious to health. No further proceedings with respect to final judgment in the matter have been reported.

## FRUITS AND VEGETABLES\*

### DRIED FRUIT

23425. Dried apple chops. (Inj. No. 237.)

**COMPLAINT FOR INJUNCTION FILED:** 5-1-51, W. Dist. Va., against Battletown Fruit Co., a partnership, Staunton and Berryville, Va., and Charles J. Allen and Frank C. Hutteman, partners.

**CHARGE:** The complaint alleged that the defendants had been and were, at the time of filing the complaint, engaged in the business of processing, preparing, storing, distributing, selling, and otherwise introducing and delivering, for introduction into interstate commerce, dried apple chops, a food, which was adulterated within the meaning of 402 (a) (3) in that it contained rodent excreta pellets, rodent urine, rodent hairs, and other filth, and within the meaning of 402 (a) (4) in that it had been held under insanitary conditions.

The complaint alleged further that the insanitary conditions existing in the defendants' warehouses at Staunton and Berryville resulted from, and consisted of, the presence therein of filth, rodents, rodent excreta pellets, rodent urine, rodent hairs, filthy and unwholesome substances in and around places in the warehouses, and general carelessness on the part of the defendants and their employees; that the defendants had on hand in their warehouses approximately 2,000,000 lbs. of such adulterated food, which constituted a menace to interstate commerce; and, upon information and belief, that the defendants would continue to introduce and deliver for introduction into interstate commerce this food adulterated, as aforesaid, unless restrained by the court.

\*See also Nos. 23401, 23402.

**DISPOSITION:** On 5-10-51, the court entered a preliminary injunction restraining the defendants from introducing into interstate commerce dried apple chops, or any other such article of food, adulterated within the meaning of 402 (a) (3) and (4). The preliminary injunction remained in effect through continuations until 8-2-52, at which time it expired. No action was taken to make the injunction permanent.

### FRUIT BUTTER AND JELLY

#### 23426. Apple butter. (Inj. No. 102.)

**COMPLAINT FOR INJUNCTION FILED:** 7-23-45, M. Dist Pa., against Knouse Corp., Peach Glen, Pa.

**CHARGE:** The complaint alleged that the defendant had been preparing, manufacturing, processing, and packing apple butter; that the defendant's product was being offered for shipment and was being shipped in interstate commerce at various intervals; and that the product was adulterated within the meaning of 402 (a) (3) and (4) in that it contained filthy or decomposed substances which were unfit for food and, further, in that it had been prepared, manufactured, processed, and packed under insanitary conditions.

The complaint alleged further that inspections made by inspectors of the Food and Drug Administration had revealed the existence of insanitary conditions in defendant's plant; that defendant was warned to remedy the defects existing in its method of operation, and that products produced under such conditions and adulterated with filth would be contraband in interstate commerce; that despite such warnings, the defendant had failed to effect a remedy of the insanitary conditions in and around its plant, and had continued to have on hand for shipment in interstate commerce stocks of apple butter produced under insanitary conditions and from decomposed raw materials; and that the defendant would continue to ship adulterated apple butter in interstate commerce unless restrained.

**DISPOSITION:** The court, on 7-23-45, issued a temporary restraining order enjoining the defendant from shipping adulterated apple butter in interstate commerce; this order expired, by its terms, 10 days after its issuance.

On 9-20-45, the court issued a preliminary injunction restraining the defendant from shipping adulterated apple butter in interstate commerce during the pendency of the action. On 11-29-46, after it was shown that the defendant had moved into new premises and was operating under satisfactory sanitary conditions, the court entered an order dissolving the preliminary injunction and dismissing the complaint.

#### 23427. Blackberry jelly and red raspberry jelly. (F. D. C. No. 39249. S. Nos. 50-633/4 M.)

**QUANTITY:** 15 8-oz. jars of blackberry jelly and 135 8-oz. jars of red raspberry jelly at Los Angeles, Calif.

**SHIPPED:** 2-6-56, from Brooklyn, N. Y., by Mactavish Preserves Co., Inc.

**LABEL IN PART:** (Jar) "Mactavish Dietetic Blackberry Jelly [or "Red Raspberry Jelly"] Made Without Sugar A Delicious, Wholesome Food for Sugar, Salt, And Starch Restricted Low Calorie Diet."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained approximately 80 milligrams of sodium per 100 grams.

**LBELED:** 5-23-56, S. Dist. Calif.