

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.

CHARGE: 403 (c)—the articles were imitations of other foods, blackberry jelly and red raspberry jelly, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and 403 (j)—the articles purported to be and were represented as foods for special dietary use by reason of their use as a means of regulating the intake of sodium, and their labels failed to bear, as required by regulations, a statement of the number of milligrams of sodium contained in 100 grams of the articles and a statement of the number of milligrams of sodium contained in an average serving of the articles.

DISPOSITION: 7-23-56. Default—delivered for use of a charitable organization.

VEGETABLES AND VEGETABLE PRODUCTS

23428. Great Northern beans. (F. D. C. No. 39253. S. No. 19-591 M.)

QUANTITY: 68 100-lb. bags at Ashland, Ky., in possession of Ashland Grocery Co.

SHIPPED: 1-31-56 and 2-21-56, from Denver, Colo.

LIBELED: 5-25-56, E. Dist. Ky.

CHARGE: 402 (a) (3)—contained rodent excreta, rodent urine, and rodent hairs; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 7-20-56. Consent—claimed by Ashland Grocery Co. Segregated, 178 lbs. destroyed.

23429. Canned celery juice. (F. D. C. No. 39068. S. No. 48-121 M.)

QUANTITY: 33 cases, 24 1-pt. 2-oz. cans each, at New York, N. Y.

SHIPPED: 12-1-54, from Los Angeles, Calif., by Hain Pure Food Co., Inc.

LABEL IN PART: (Can) "Sherman's Arcadia Brand * * * Celery Juice Packed Without Added Water - Sugar Or Salt * * * packed without added water, sugar or salt for use in diets where seasoning is restricted."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 85 milligrams of sodium per 100 grams.

LIBELED: 5-11-56, S. Dist. N. Y.

CHARGE: 403 (j)—the article, when shipped, purported to be and was represented as a food for special dietary use by reason of its use as a means of regulating the intake of sodium, and its label failed to bear, as required by regulations, a statement of the number of milligrams of sodium per 100 grams of the food and a statement of the number of milligrams of sodium in an average serving of the food.

DISPOSITION: 6-20-56. Default—destruction.

23430. Dried mushrooms. (F. D. C. No. 39056. S. No. 37-282 M.)

QUANTITY: 26 cases containing 35 lbs., 55 lbs., or 70 lbs. each at New York, N. Y.

SHIPPED: Between 1-1-56 and 4-12-56, from London, England, by Zylan, Ltd.

LIBELED: 5-4-56, S. Dist. N. Y.

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

DISPOSITION: 5-24-56. Default—destruction.

23431. Dried mushrooms. (F. D. C. Nos. 39060, 39061. S. Nos. 37-283/4 M.)

QUANTITY: 11 cases containing 35 lbs. or 60 lbs. each at New York, N. Y.