

2727. Adulteration of huckleberries. U. S. v. 50 Baskets of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 5334. Sample No. 42067-E.)

On July 30, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 50 baskets, each containing 12 quarts, of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped on or about July 25, 1941, by James Keyser from Rileyville, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN STRAWBERRIES

2728. Adulteration of frozen strawberries. U. S. v. 56 Barrels of Frozen Strawberries. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 5658. Sample No. 66406-E.)

Examination showed that this product contained moldy berries.

On September 15, 1941, the United States attorney for the Northern District of Illinois filed a libel against 56 barrels, each containing 440 pounds, of frozen strawberries at Chicago, Ill., alleging that the article had been shipped on or about July 17, 1941, by Kelley, Farquhar & Co. from Tacoma, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Sparklets Brand Marshall Strawberries Unclassified."

On October 14, 1941, H. B. Salmon & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging the fit portion under the supervision of the Food and Drug Administration.

CANNED FRUITS AND VEGETABLES

2729. Misbranding of canned cherries. U. S. v. 99 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5346. Sample No. 60476-E.)

Examination showed that this product failed to conform to the standard of quality for canned cherries because of the presence of more than 1 pit per each 20 ounces of cherries, and more than 15 percent of the cherries in the container were blemished. The product also fell below the standard of fill of container.

On August 12, 1941, the United States attorney for the Northern District of California filed a libel against 99 cases, each containing 6 No. 10 cans, of cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 29, 1941, by Seufert Bros. Packing Co. from The Dalles, Oreg.; and charging that it was misbranded. It was labeled in part: (Cans) "Klondike Brand Red Sour Pitted Cherries in Water."

The article was alleged to be misbranded (1) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard; and (2) in that it purported to be a food for which a standard of fill of container had been prescribed by regulations as provided by law, but it fell below the standard of fill of container applicable thereto and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 23, 1941, Seufert Bros. Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2730. Misbranding of canned cherries. U. S. v. 45 Cases and 47 Cases of Canned Cherries. Decrees of condemnation. Portion of product released under bond to be relabeled; remainder ordered destroyed. (F. D. C. Nos. 5780, 5781. Sample Nos. 65856-E, 65862-E.)

Examination showed that this product was substandard because of excessive pits.

On September 24 and October 27, 1941, the United States attorneys for the District of Nebraska and the District of Wyoming filed libels against 45 cases of canned cherries at Scotts Bluff, Nebr., and 47 cases at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about March 6 and June 24, 1941, by Loveland Canning Co. from Loveland, Colo.;

and charging that it was misbranded. It was labeled in part: (Cans) "Golden Valley Red Pie Cherries Sour Pitted (Packed in Water) Distributed by Nash-Finch Co. Minneapolis, Minn."; or "Loveland Brand Water Pack Red Tart Pitted Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard in that more than 1 pit was present in each 20 ounces of canned cherries, and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 12, 1941, Loveland Canning Co., claimant for the seizure at Cheyenne, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration. On November 22, 1941, no claimant having appeared for the seizure at Scotts Bluff, judgment of condemnation was entered and the product was ordered destroyed.

2731. Adulteration and misbranding of canned peaches. U. S. v. 299 Cases, 699 Cases, 299 Cases, and 499 Cases of Canned Peaches. Consent decree of condemnation. Portion of product ordered delivered to a local charitable institution; remainder ordered destroyed. (F. D. C. No. 5387. Sample Nos. 27841-E to 27844-E, incl.)

Three lots of this product contained worm-damaged peaches. The peaches in two lots were substandard because the weight of the largest unit in the container was more than twice the weight of the smallest unit therein; and the product in one of these two lots was also substandard because of hard pieces, more than 20 percent of the units in the container were blemished, and the units were not untrimmed or so trimmed as to preserve their normal shape.

On August 16, 1941, the United States attorney for the Western District of Kentucky filed a libel against 1,796 cases of peaches at Henderson, Ky., alleging that the article had been shipped in interstate commerce on or about July 9 and 11, 1941, by the Georgia Canning Co. from Wayside, Ga.; and charging that two lots were adulterated, one lot was misbranded, and one lot was both adulterated and misbranded. The article was labeled in part: (Cans) "Shaver's Brand * * * Peaches Contents 1 Lb. 13 Ozs. [or "1 Lb. 12 Ozs.]"]; or "Tuckahoe Brand Peaches Contents 1 Lb. 12 Oz."

The article in three lots was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

That in two lots was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On February 4, 1942, Georgia Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reexamination of the adulterated peaches in order that those found to be unadulterated might be salvaged and that those misbranded might be relabeled under the supervision of the Food and Drug Administration. On April 2, 1942, the claimant having failed to give bond or comply with the orders in the consent decree, judgment was entered ordering that the portion of the product which was misbranded only be delivered to a local charitable institution and that the remainder be destroyed.

2732. Misbranding of canned peaches. U. S. v. 588 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5848. Sample No. 70003-E.)

This product did not comply with the requirements of the standard with respect to uniformity of size, since the weight of the largest unit in the container was more than twice the weight of the smallest unit and all units were not untrimmed or so trimmed as to preserve normal shape.

On or about September 28, 1941, the United States attorney for the Southern District of Florida filed a libel against 588 cases of canned peaches at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about August 4 and 8, 1941, by William F. Pendelton Co., Inc., from Valdosta, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "Silver Dawn Brand Tree Ripened Yellow Freestone Peaches * * * Halves in Light Syrup * * * Packed by Walter D. Ross Co. Adel, Ga."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law