

shrimp. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 20, 1954. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

21130. Misbranding of canned apricots. U. S. v. 6 Cases * * *. (F. D. C. No. 36234. Sample No. 53291-L.)

LABEL FILED: January 12, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 5, 1953, from San Jose, Calif.

PRODUCT: 6 cases, each containing 6 cans, of apricots at St. Louis, Mo.

RESULTS OF INVESTIGATION: The product was labeled in the manner described below by the Bohn-Lenartz Co., St. Louis, Mo., after shipment in interstate commerce.

LABEL, IN PART: (Can) "Blue Star Brand Choice Apricots Unpeeled Halves In Syrup Contents 6 Lbs. 12 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as the definition and standard of identity for canned apricots requires, the name of the optional packing medium present in the article since the label bore the statement "In Syrup," whereas the article was packed in a medium designated as "slightly sweetened water" in the definition and standard; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned apricots since the article contained apricot halves weighing less than $\frac{2}{5}$ of an ounce, the minimum permitted by the standard, and the label failed to bear a statement that the article fell below such standard. The article was misbranded in such respects while held for sale after shipment in interstate commerce.

DISPOSITION: March 22, 1954. The Bohn-Lenartz Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

21131. Misbranding of canned cherries. U. S. v. Varney Canning, Inc. Plea of guilty. Fine of \$2,000; fine suspended. (F. D. C. No. 35767. Sample Nos. 41015-L, 41028-L, 41056-L, 64353-L, 69413-L.)

INFORMATION FILED: January 11, 1954, District of Utah, against Varney Canning, Inc., Roy, Utah.

ALLEGED SHIPMENT: On or about August 21 and December 3, 1952, and March 10 and April 30, 1953, from the State of Utah into the States of Washington, Montana, and Wyoming.

LABEL, IN PART: (Can) "Sonny Boy Brand Red Sour Pitted Cherries In Water Contents 1 Lb. 3 Ozs. Packed for Roundup Grocery Co. Spokane, Wash." and "Leota Brand Red Sour Pitted Cherries Packed In Water Contents 1 Lb. 3 Oz. Packed By Varney Canning Inc. Plants Roy, Utah and Veradale, Wash."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for pitted canned cherries because of an excessive number of pits in the cherries and because an excessive number of cherries were blemished with discoloration, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: April 23, 1954. The defendant having entered a plea of guilty, the court fined it \$2,000, but suspended the fine.

DRIED FRUIT

21132. Adulteration of raisins. U. S. v. 268 Cases * * *. (F. D. C. No. 35989. Sample No. 42807-L.)

LABEL FILED: November 24, 1953, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 30, 1953, by the Sun Maid Raisin Growers Association of California, from Fresno, Calif.

PRODUCT: 268 cases of raisins at Pittsburgh, Pa.

LABEL, IN PART: "Sun Maid Raisin Growers Assoc. of Calif. 30 Lbs Net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 12, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State hospital, for use as animal feed.

21133. Adulteration of raisins. U. S. v. 34 Cases * * *. (F. D. C. No. 35967. Sample No. 61968-L.)

LABEL FILED: November 10, 1953, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 10, 1953, by the California Raisin Co., from Fowler, Calif.

PRODUCT: 34 cases of raisins at Council Bluffs, Iowa.

LABEL, IN PART: "Net Wt. 30 Lbs. Farm Boy Select Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 23, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable or public institution, for use as animal feed.

FRESH FRUIT

21134. Adulteration of fresh blueberries. U. S. v. 28 Trays * * *. (F. D. C. No. 35555. Sample No. 73489-L.)

LABEL FILED: August 13, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 11, 1953, by Mrs. Ethel Gatto, from Hammonton, N. J.