

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 8, 1953. Default decree of condemnation and destruction.

20566. Misbranding of canned peaches. U. S. v. 455 Cases * * *. (F. D. C. No. 35468. Sample No. 70531-L.)

LABEL FILED: August 27, 1953, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about July 8, 1953, by the Pomona Products Co., from Griffin, Ga.

PRODUCT: 455 cases, each containing 24 cans, of peaches at Nashville, Tenn.

LABEL, IN PART: (Can) "Sunshine Brand Halves Yellow Free Peaches In Heavy Syrup Contents 1 Lb. 13 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as required by the definition and standard of identity for canned peaches, the name of the optional packing medium present in the article since its label bore the statement "In Heavy Syrup," whereas the article was packed in sirup designated as "Light Sirup" in the definition and standard.

DISPOSITION: September 21, 1953. The Pomona Products 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.

DRIED FRUIT

20567. Adulteration of dried pears and mixed dried fruits. U. S. v. Rosenberg Bros. & Co., Inc. Plea of nolo contendere. Fine, \$6,000. (F. D. C. No. 35100. Sample Nos. 5093-L, 7534-L, 27278-L, 27281-L, 27282-L, 33340-L.)

INFORMATION FILED: August 5, 1953, Northern District of California, against Rosenberg Bros. & Co., Inc., San Francisco, Calif.

ALLEGED SHIPMENT: Between February 7 and April 9, 1952, from the State of California into the States of New York, Massachusetts, Wisconsin, and Maryland, and the Territory of Hawaii.

LABEL, IN PART: "Ensign Brand California Dried Extra Fancy Lake County Pears," "Sugaripe Brand California Dried Fruits Large Pears," "I G A Brand California Dried Fruits Fancy Mixed Fruits Contains Prunes, Peaches, Pears and Apricots * * * Packed For Independent Grocers Alliance Distributing Co. Chicago, Ill.," "Iris Brand California Dried Choice Halved Pears," "Sugaripe Fancy Mixed Fruit California Dried Fruit * * * Contains Prunes, Peaches, Apricots and Pears," and "Sugaripe Brand California Dried Fruits Medium Pears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent excreta, rodent hairs, rodent hair fragments, insects, insect fragments, and insect excreta; and, Section 402 (a) (4), the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 14, 1953. The defendant having entered a plea of nolo contendere, the court fined it \$1,000 on each count, a total fine of \$6,000.

20568. Adulteration of dried apples. U. S. v. 83 Boxes * * *. (F. D. C. No. 35464. Sample No. 65471-L.)

LABEL FILED: August 25, 1953, District of North Dakota,

ALLEGED SHIPMENT: From San Francisco, Calif., on an unknown date.

PRODUCT: 83 50-pound boxes of dried apples at Fargo, N. Dak., in the possession of the Fargo Food & Equipment Co.

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 rodent and insect excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 14, 1953. The consignee of the product having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

20569. Adulteration and misbranding of canned peas. U. S. v. 17 Cases * * *. (F. D. C. No. 35469. Sample No. 47463-L.)

LABEL FILED: August 28, 1953, Northern District of Alabama,

ALLEGED SHIPMENT: On or about July 15, 1953, by the Athens Canning Co., from Athens, Ga.

PRODUCT: 17 cases, each containing 24 cans, of peas at Birmingham, Ala.

LABEL, IN PART: (Can) "Homefolk Brand Green Fresh Shelled Purple Hull Peas * * * Contents 15 Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of purple hull peas and dry soaked black-eyed peas had been substituted for fresh shelled purple hull peas.

Misbranding, Section 403 (a), the label statement "Fresh Shelled Purple Hull Peas" was false and misleading as applied to a mixture of purple hull peas and dry soaked black-eyed peas.

DISPOSITION: September 29, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use.

20570. Adulteration of dried yellow split peas and dried black-eyed peas. U. S. v. 17 Bags, etc. (F. D. C. No. 35387. Sample Nos. 2586-L, 2587-L.)

LABEL FILED: August 13, 1953, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 25, 1950, and January 12, 1953, from Crows Landing, Calif., and Kimberly, Idaho.

PRODUCT: 17 100-pound bags of dried yellow split peas and 16 100-pound bags of dried black-eyed peas at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.