

1605. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 5286. Sample No. 74284-E.)

Examination of this product showed that it was infested with maggots.

On July 23, 1941, the United States attorney for the Southern District of New York filed a libel against 5 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 21, 1941, by Stella Stank from Shenandoah, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

1606. Adulteration of canned peaches. U. S. v. Jack Gomperts (Jack Gomperts & Co.). Plea of nolo contendere. Fine, \$25. (F. D. C. No. 2851. Sample No. 12626-E.)

Samples of this product were found to contain dirt, mold, dead larvae and insects, and insect and rodent excreta.

On October 22, 1940, the United States attorney for the Northern District of California filed an information against Jack Gomperts, trading as Jack Gomperts & Co. at San Francisco, Calif., alleging shipment on or about May 11, 1940, from the State of California into the State of New York of a quantity of peaches that were adulterated in that they consisted in whole or in part of a filthy substance. The article was labeled in part: (Cases) "Whole Unpitted California Cling Peaches."

On January 11, 1941, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$25.

1607. Adulteration of canned apricots. U. S. v. 24 Cases of Whole Apricots. Default decree of condemnation and destruction. (F. D. C. No. 2401. Sample No. 7969-E.)

This product contained worms and worm excreta.

On July 31, 1940, the United States attorney for the District of Arizona filed a libel against 24 cases of canned apricots at Prescott, Ariz., alleging that the article had been shipped in interstate commerce on or about September 21, 1939, by the Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Val Vita Brand Whole Apricots."

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1608 to 1612, inclusive, report the seizure and disposition of canned cherries that were substandard in quality because of the presence of excessive pits, and were not labeled to indicate that they were substandard.

1608. Misbranding of canned cherries. U. S. v. 50 Cases of Canned Cherries. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3597. Sample No. 44506-E.)

On December 28, 1940, the United States attorney for the District of New Mexico filed a libel against 50 cases of canned cherries at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about October 2, 1940, by the Geo. W. Goddard Co. from Ogden, Utah; and charging that it was misbranded. It was labeled in part: "Utah Fawn Brand Red Sour 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, and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be distributed to charitable institutions.

1609. Misbranding of canned cherries. U. S. v. 997 Cases of Cherries. Decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 3459. Sample No. 17986-E.)

On December 3, 1940, the United States attorney for the Northern District of Alabama filed a libel against 997 cases, each containing 24 cans, of cherries at

Birmingham, Ala., alleging that the article had been shipped in interstate commerce by the Haserot Co. from Northport, Mich., on or about October 21, 1940; and charging that it was 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. The article was labeled in part: "Colonial Sour Pitted Red Cherries."

On March 21, 1941, the Haserot Co., agent for Northport Cherry Factory, Inc., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled in accordance with the law under the supervision of the Food and Drug Administration.

1610. Misbranding of canned cherries. U. S. v. 12 Cases of Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3455. Sample No. 44125-E.)

On December 3, 1940, the United States attorney for the District of Nebraska filed a libel against 12 cases, each containing 6 No. 10 cans, of cherries at Scottsbluff, Nebr., alleging that the article had been shipped in interstate commerce on August 13, 1940, by the Loveland Canning Corporation from Loveland, Colo.; and charging that it was 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. It was labeled in part: (Cans) "Valley Home Brand Red Sour Pitted Cherries."

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

1611. Misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries. Consent decree entered. Product ordered released under bond for relabeling. (F. D. C. No. 3500. Sample No. 52523-E.)

On December 11, 1940, the United States attorney for the District of Idaho filed a libel against 37 cases of canned cherries at Wallace, Idaho, alleging that the article had been shipped in interstate commerce on or about October 28 and November 18, 1940, by the Roundup Grocery Co. from Spokane, Wash.; and charging that it was misbranded. The article was labeled in part: (Cans) "Falls Brand Red Water Pack Pitted Sour Cherries."

The article was alleged to be misbranded in that it purported to be a food which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 27, 1941, the Spokane Valley Canning Co., Spokane, Wash., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond conditioned that it be relabeled.

1612. Misbranding of canned cherries. U. S. v. 61 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3598. Sample No. 44196-E.)

On January 14, 1941, the United States attorney for the District of Wyoming filed a libel against 61 cases of canned cherries at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about September 12, 1940, by the Woods Cross Canning Co. from Clearfield, Utah; and charging that it was misbranded. It was labeled in part: "Woods Cross Brand Water Packed Cherries."

The article was alleged to be misbranded in that it was represented to be canned pitted cherries but fell below the standard of quality prescribed by regulations provided by law for canned pitted cherries.

On January 28, 1941, the Woods Cross Canning Co. having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

1613. Adulteration of canned huckleberries. U. S. v. 264 Cartons of Canned Huckleberries (and 5 other seizure actions against canned huckleberries). Default decrees of condemnation and destruction. (F. D. C. Nos. 3393, 3409, 3835, 3860, 3899, 3904. Sample Nos. 26557-E, 32179-E, 32180-E, 32766-E, 45954-E, 52152-E.)

This product contained insect larvae. One lot also contained spiders, moths, and other insects.