

9535. Misbranding of frozen cherries. U. S. v. Farmers Cooperative Union, Inc. Plea of nolo contendere. Fine, \$225 and costs. (F. D. C. No. 15568. Sample Nos. 73875-F, 74159-F, 74161-F.)

INFORMATION FILED: November 16, 1945, Western District of Washington, against the Farmers Cooperative Union, Inc., Puyallup, Wash.

ALLEGED SHIPMENT: On or about September 6 and 19, 1944, from the State of Washington into the State of California.

LABEL, IN PART: "R. S. P. 4-1 Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "R. S. P. Cherries" was false and misleading since it represented and suggested that the product consisted of red, sour pitted cherries when, in fact, it consisted of partially pitted cherries.

DISPOSITION: April 12, 1946. A plea of nolo contendere having been entered, the defendant was fined \$225, plus costs.

9536. Misbranding of frozen cherries. U. S. v. R. D. Pringle & Co. Plea of guilty. Fine, \$100. (F. D. C. No. 19032. Sample Nos. 30889-H, 30890-H.)

INFORMATION FILED: February 28, 1946, District of Utah, against R. D. Pringle & Co., a partnership, Ogden, Utah.

ALLEGED SHIPMENT: On or about July 27 and 30, 1945, from the State of Utah into the State of California

LABEL, IN PART: (Portion) "Little Farmer Brand Fresh Frozen Pitted Windsor Cherries." The remainder of the cans bore no labeling.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement on a number of the cans, "Net Wt. 30 Lbs. When Packed," was false and misleading since the cans contained less than 30 pounds of cherries; Section 403 (e) (1), a number of the cans failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), all cans of the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 9, 1946. A plea of guilty having been entered, the court imposed a fine of \$50 on each of the 2 counts of the information.

9537. Adulteration of frozen peaches. U. S. v. 569 Cans of Frozen Peaches. Default decree of condemnation and destruction. (F. D. C. No. 17191. Sample No. 24820-H.)

LIBEL FILED: August 25, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 18, 1945, by the Craddock Canning and Preserving Co., from Paducah, Ky.

PRODUCT: 569 cans, each containing 26 pounds, of frozen peaches at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT PRODUCTS

9538. Adulteration and misbranding of diced, glazed fruit. U. S. v. 89 Cases of Diced Glazed Fruit (and 4 other seizure actions against diced, glazed fruit). Decrees of condemnation. One lot ordered released under bond; two lots ordered delivered to a Federal penitentiary; remainder ordered destroyed. (F. D. C. Nos. 17432, 17689, 17690, 18511, 19299. Sample Nos. 21117-H, 21124-H, 21669-H, 36592-H, 37456-H.)

LIBELS FILED: September 7, October 1 and 8, and December 10, 1945, and March 6, 1946, Eastern and Western Districts of Oklahoma, Northern District of Illinois, and Western District of Washington.

ALLEGED SHIPMENT: Between the approximate dates of July 24 and August 29, 1945, by the Chicago Smoked Fish Co., from Chicago, Ill., and Muskogee, Okla.

PRODUCT: Diced, glazed fruit. 89 cases, each containing 12 jars, at Muskogee, Okla.; 3 cases, each containing 24 jars, at El Reno, Okla.; 48 cases, each containing 24 jars, at Chicago, Ill.; and 3,213 jars, and 719 cases, each containing 12 jars, at Seattle, Wash.

Examination showed that the Muskogee lot consisted essentially of diced, candied fruit peel with very few cherries, and that it was short-weight; that