

ALLEGED VIOLATIONS: The defendant received two shipments of substandard canned pears in unlabeled cans from West Stayton, Oreg., and Vancouver, Wash. While the article was held for sale at St. Louis, Mo., the defendant caused the product to be misbranded by labeling the cans "Contents 6 Lbs. 10 Ozs. Robin Brand Pears General Grocer Co. Distributors St. Louis, Mo." The defendant shipped a quantity of the pears so labeled from St. Louis, Mo., to Terre Haute, Ind., on or about March 22, 1944.

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned pears since its label failed to bear, as required by the regulations, the common name of the optional pear ingredient, "Halves" or "Halved," and the common name of the optional liquid packing medium, water. Further misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pears since all units were not untrimmed or were not so trimmed as to preserve their normal shape; and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: A motion to quash the information, and an amendment to such motion were filed on behalf of the defendant, attacking the validity of the regulations. On October 1, 1945, the court denied the defendant's motion to quash. On October 2, 1945, a plea of not guilty was entered on behalf of the defendant. That plea was subsequently withdrawn, and a plea of guilty was entered. On June 5, 1946, the court imposed a fine of \$250 on each of the 2 counts of the information.

10298. Adulteration of canned plums. U. S. v. 90 Cases of Canned Plums. Default decree ordering product destroyed or disposed of for animal feed. (F. D. C. No. 17541. Sample No. 19441-H.)

LIBEL FILED: February 26, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about October 11, 1945, by the Associated Frozen Food Packers, Inc., from Albany, Oreg.

PRODUCT: 90 cases, each containing 24 1-pound, 14-ounce cans, of plums at Minneapolis, Minn.

LABEL, IN PART: "18-K Brand 'Good as Gold' Contents 1 Lb. 14 Oz. Purple Plums in Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of plums affected with brown rot.

DISPOSITION: April 25, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed unless reprocessed for animal feed, under the direction of the Food and Drug Administration.

10299. Adulteration of dates. U. S. v. 43 Cases of Dates (and 3 other seizure actions against dates). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 17549, 19244, 19323, 19562. Sample Nos. 15319-H, 15334-H, 30623-H, 47528-H, 47530-H, 58121-H.)

LIBELS FILED: February 27, March 19, and April 19, 1946, Western District of Washington, District of Arizona, District of Colorado, and Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of January 4 and February 19, 1946, by Calavo, Inc., from Covina and Los Angeles, Calif.

PRODUCT: Dates. 43 cases at Seattle, Wash., 24 cases at Phoenix, Ariz., 167 cases at Denver, Colo., and 1,148 cases at Chicago, Ill. Each case contained 24 10- or 12-ounce bags or packages of dates.

LABEL, IN PART: (Portions) "Cal-Trop California Dates."

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 insect-damaged dates and (one lot only) of a decomposed substance by reason of the presence of moldy dates.

DISPOSITION: April 25 and May 31, 1946. No claimant having appeared for the Seattle and Phoenix lots, judgments of condemnation were entered and the product was ordered destroyed. On April 15 and July 8, 1946, Calavo, Inc., claimant for the Denver and Chicago lots, having consented to the entry