

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading; and, Section 403 (h) (1), the product fell below the standard of quality for canned fruit cocktail.

DISPOSITION: August 22, 1946. Hunt Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

DRIED FRUIT

10620. Adulteration of dried apricots. U. S. v. Peter F. McKinney (P. F. McKinney). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 17858. Sample Nos. 17716-H, 17719-H.)

INFORMATION FILED: April 6, 1946, Northern District of California, against Peter F. McKinney, trading as P. F. McKinney, San Jose, Calif.

ALLEGED SHIPMENT: On or about March 10, 1945, from the State of California into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of dirt and moldy and decomposed apricots.

DISPOSITION: April 23, 1946. A plea of nolo contendere having been entered, the defendant was fined \$250.

10621. Adulteration of raisins and dried peaches. U. S. v. 44 Cases * * * (and 13 other seizure actions). (F. D. C. Nos. 18503, 19059, 19060, 19112, 19306, 19307, 19350, 19377, 19378, 19440 to 19442, incl., 19625, 19724, 19903. Sample Nos. 1094-H, 1264-H, 19305-H to 19307-H, incl., 20952-H, 21985-H, 35061-H, 35220-H, 50669-H, 50733-H to 50735-H, incl., 50962-H, 56852-H.)

LIBELS FILED: Between the approximate dates of December 8, 1945, and May 15, 1946, District of Kansas, Eastern and Western Districts of Missouri, Southern and Northern Districts of Iowa, Western District of Tennessee, and Northern District of Georgia.

ALLEGED SHIPMENT: Between the approximate dates of August 28, 1944, and February 28, 1946, by the Vagim Packing Co., Fresno, Calif.

PRODUCT: Raisins. 44 cases, each containing 16 2-pound bags, at Lebanon, Mo.; 50 cases, each containing 16 2-pound bags, and 33 cartons, each containing 48 15-ounce packages, at Marshalltown, Iowa; 77 cases, each containing 25 pounds, at Sheldon, Iowa; 20 cases, each containing 30 pounds, 300 cases, each containing 25 pounds, and 770 cases, each containing 16 2-pound bags, at Mason City, Iowa; 450 cartons, each containing 48 15-ounce cartons, at St. Louis, Mo.; 250 cases, each containing 60 2-pound packages, at Des Moines, Iowa; 1,475 cases, each containing 48 15-ounce packages, at East Hartford, Conn.; 447 cases, each containing 48 15-ounce packages, at St. Paul, Minn.; and 164 cases, each containing 25 pounds, at Manhattan, Kans. Dried peaches. 450 30-pound cases at Memphis, Tenn.; and 225 30-pound cases and 747 25-pound cases at Atlanta, Ga.

LABEL, IN PART: "May Flower Brand Special [or "Plump and Meaty Choice," or "Fan-Fare Brand"] Thompson Seedless Raisins," or "Plump and Meaty [or "Sail-Maker"] Brand * * * Yellow Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy and decomposed substances by reason of the presence (in the raisins) of insect parts and dirty raisins and (in the peaches) moldy and decomposed peaches.

DISPOSITION: Between January 4 and July 26, 1946. The Vagim Packing Co. appeared as claimant for the St. Louis, Memphis, East Hartford, St. Paul, and Atlanta lots, and the Western Grocer Co., Marshalltown, Iowa, appeared as claimant for the remaining lots, with the exception of that at Lebanon. The claimants having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond to be converted into distilled spirits, under the supervision of the Food and Drug Administration. No claimant having appeared for the Lebanon lot, judgment of condemnation was entered and the product was ordered delivered to a welfare institution, to be used for hog feed.