

of shipment to be reprocessed, under the supervision of the Food and Drug Administration.

12929. Adulteration of frozen raspberries. U. S. v. 78 Cartons, etc. (F. D. C. No. 24216. Sample Nos. 2639-K, 2640-K.)

LABEL FILED: December 26, 1947, District of Columbia.

ALLEGED SHIPMENT: On or about July 23, 1946, by George W. Haxton & Son, Inc., from Oakfield, N. Y.

PRODUCT: 199 shipping cartons, each containing 12 12-ounce cartons, of raspberries at Washington, D. C.

LABEL, IN PART: "New York State Frozen Columbian [or "Red"] Raspberries."

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 larvae and other insects, insect fragments, and insect eggs.

DISPOSITION: April 7, 1948. Default decree of condemnation. The product was ordered delivered to the National Zoological Park for its use.

12930. Adulteration of frozen raspberries. U. S. v. 182 Flats * * * (F. D. C. No. 23868. Sample No. 4121-K.)

LABEL FILED: October 27, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 30, 1947, by Thomas Cardia, from Hammonton, N. J.

PRODUCT: 182 flats, each containing 12 1-pint boxes, of raspberries at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten raspberries.

DISPOSITION: On or about November 14, 1947, Thomas Cardia appeared specially to move dismissal of the action on the ground that the court lacked jurisdiction over the subject matter of the action. The motion was denied on February 5, 1948, and on March 26, 1948, judgment of condemnation was entered and the product was ordered destroyed.

12931. Adulteration of frozen strawberries. U. S. v. 583 Cans * * * (F. D. C. No. 23765. Sample No. 15002-K.)

LABEL FILED: September 23, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 29, 1947, by Frigid Food Products, from Greenfield, Tenn.

PRODUCT: 583 30-pound cans of frozen strawberries at Chicago, Ill.

LABEL, IN PART: "Frigid Fruit Frozen Strictly Fresh Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy strawberries.

DISPOSITION: May 3, 1948. Default decree of condemnation and destruction.

MISCELLANEOUS FRUIT PRODUCTS*

12932. Adulteration of red raspberry puree and frozen sliced strawberries. U. S. v. Sunshine Packing Corporation of Pennsylvania, Fred L. Rahal, and Philip H. Seene. Pleas of nolo contendere. Each defendant fined \$500 and costs. (F. D. C. No. 23276. Sample Nos. 9488-H, 50997-H, 50999-H.)

INFORMATION FILED: July 2, 1947, Western District of Pennsylvania, against the Sunshine Packing Corporation of Pennsylvania, North East, Pa., and Fred L. Rahal, president, and Philip H. Seene, assistant treasurer.

ALLEGED SHIPMENT: On or about September 8, 1945, and July 11, 1946, from the State of Pennsylvania into the States of New York and Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of decomposed substances by reason of the presence, in the red raspberry puree, of moldy raspberry material and, in the frozen sliced strawberries, of decomposed strawberry material.

*See also Nos. 12808-12818, 12822-12829.

DISPOSITION: March 5, 1948. Pleas of nolo contendere having been entered, the defendants were each fined \$500, plus costs.

12933. Adulteration of strawberry puree. U. S. v. Breyer Ice Cream Co., a corporation, and Frank S. Bartoletti and Herman Kruse. Pleas of guilty. Corporation fined \$500; individual defendants each fined \$5. (F. D. C. No. 23574. Sample Nos. 5328-H, 65315-H, 65321-H, 65333-H, 65334-H.)

INFORMATION FILED: January 5, 1948, Southern District of Florida, against the Breyer Ice Cream Co., Plant City, Fla., and Frank S. Bartoletti, general manager, and Herman Kruse, plant foreman.

ALLEGED SHIPMENT: On or about April 13, 15, 17, and 20, and May 3, 1946, from the State of Florida into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: March 4, 1948. Pleas of guilty having been entered, the corporation was fined \$500 and the individual defendants were each fined \$5.

12934. Adulteration of strawberry puree. U. S. v. Brown Packing Co. Plea of guilty. Fine, \$500. (F. D. C. No. 23577. Sample Nos. 63722-H, 63723-H.)

INFORMATION FILED: October 15, 1947, Southern District of Florida, against the Brown Packing Co., a corporation, Plant City, Fla.

ALLEGED SHIPMENT: On or about April 13 and 16, 1946, from the State of Florida into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: March 4, 1948. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

12935. Adulteration and misbranding of cherry-pineapple marmalade and raspberry-pineapple marmalade. U. S. v. 19 Cases, etc. (F. D. C. No. 23887. Sample Nos. 8755-K, 8756-K.)

LIBEL FILED: October 31, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 3, 1947, by the Groveland Products Company, Inc., from Miami, Fla.

PRODUCT: 34 cases, each containing 24 jars, of marmalade at Brooklyn, N. Y.

LABEL, IN PART: "Cherry [or "Raspberry"] Pineapple Marmalade Certified Color and Imitation Flavor Added Net Wt. 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products containing artificial flavor and artificial color had been substituted for cherry-pineapple and raspberry-pineapple preserves, foods for which a definition and standard of identity has been prescribed by regulations.

Misbranding, Section 403 (g) (1), the products purported to be cherry-pineapple or raspberry-pineapple preserves, and they failed to conform to the definition and standard of identity, since they contained artificial color and artificial flavor, which are not permitted as ingredients in such products; and, Section 403 (a), the label statements "Cherry Pineapple Marmalade" and "Raspberry Pineapple Marmalade" were misleading, since the products had a predominating artificial flavor and contained little or no cherry or raspberry fruit.

DISPOSITION: March 3, 1948. Default decree of condemnation. The products were ordered delivered to a charitable institution.

12936. Adulteration and misbranding of blackberry preserves. U. S. v. 44 Cases * * * (F. D. C. No. 22967. Sample No. 76443-H.)

LIBEL FILED: May 2, 1947, Western District of Louisiana.

ALLEGED SHIPMENT: On or about March 10, 1947, by the Phelan Co., from Beaumont, Tex.

PRODUCT: 44 cases, each containing 12 2-pound jars, of blackberry preserves at De Quincy, La.

LABEL, IN PART: "Tak-A-Taste Brand * * * Pure Blackberry Preserves Packed By Cecil Brown Fig Co., Friendswood, Texas."