

**FRUITS AND VEGETABLES****CANNED FRUIT**

**14023. Misbranding of canned blackberries. U. S. v. 35 Cases \* \* \* (F. D. C. No. 25730. Sample Nos. 28599-K, 29610-K.)**

**LABEL FILED:** November 3, 1948, District of Colorado.

**ALLEGED SHIPMENT:** On or about April 1, 1948, by the Oregon Fruit Products Co., from Salem, Oreg.

**PRODUCT:** 35 cases, each containing 48 11-ounce cans, of blackberries at Denver, Colo.

**LABEL, IN PART:** "Oregon Fruit Products Blackberries Fancy Quality Net Contents 11 Ounces Avd."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement on the cans "Fancy Quality" was false and misleading as applied to an article which was not fancy grade, but consisted of a considerable percentage of very small berries which were not well ripened and which had tough cores and drupelets not well developed.

**DISPOSITION:** December 7, 1948. The Oregon Fruit Products Co., claimant, having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering it released under bond for relabeling, under the supervision of the Federal Security Agency.

**14024. Adulteration of canned blueberries. U. S. v. 1,091 Cases \* \* \*. (F. D. C. No. 22574. Sample No. 17291-H.)**

**LABEL FILED:** May 5, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about November 7, 1946, by the Sea-Land Frosted Food Corp., from Williamson, N. Y.

**PRODUCT:** 1,091 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Chicago, Ill.

**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 moldy blueberries.

**DISPOSITION:** The Sea-Land Food Corp., claimant, filed an answer to the libel and filed a motion petitioning the entry of an order authorizing the claimant to export the blueberries to Canada or any other foreign country. This motion was denied on November 10, 1947.

On December 19, 1947, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. Of the 1,123 cases seized, 377 cases were segregated as good and the remaining 746 cases were destroyed.

**14025. Misbranding of canned cherries. U. S. v. Escalon Packers, Inc., Edward I. Colombo, and Christopher P. Colombo. Pleas of guilty. Fine of \$100 against corporation and \$50 against each individual. (F. D. C. No. 24814. Sample Nos. 64455-H, 64566-H.)**

**INFORMATION FILED:** July 12, 1948, Northern District of California, against Escalon Packers, Inc., Escalon, Calif., and Edward I. Colombo and Christopher P. Colombo, president and vice president, respectively, of the corporation.

**ALLEGED SHIPMENT:** On or about July 16, 1946, from the State of California into the State of New York.

**LABEL, IN PART:** "Dora Dark Seconds Sweet Cherries In Light Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "In Light Syrup" was false and misleading since the statement represented and suggested that the article was packed in a sirup designated as light sirup in the regulations establishing a definition and standard of identity for canned cherries, whereas the article was packed in a sirup designated as "Slightly Sweetened Water" in such standard and definition; Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned cherries since it failed to bear the name of the optional packing medium present in the article; and, Section 403 (h) (1), it fell below the standard of quality for canned unpitted cherries, and its label failed to bear a statement that it fell below such standard. (The standard of quality provides that the weight of each cherry in the container is not less than 1/10 ounce, whereas a large proportion of the cherries in this product weighed less than 1/10 ounce.)

**DISPOSITION:** August 23, 1948. Pleas of guilty having been entered, the court imposed a fine of \$100 against the corporation and \$50 against each individual.

**14026. Adulteration of canned cherries. U. S. v. 237 Cases, etc. (F. D. C. Nos. 25647, 25648. Sample No. 25340-K.)**

**LIBEL FILED:** September 16, 1948, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about October 18, 1946, from San Francisco, Calif.

**PRODUCT:** 269 cases, each containing 24 1-pound, 4-ounce cans, of cherries at Clinton, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was undergoing chemical decomposition.) It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 12, 1949. Default decree of condemnation and destruction.

**14027. Adulteration of canned cherries. U. S. v. 23 Cases \* \* \*. (F. D. C. No. 25673. Sample No. 31458-K.)**

**LIBEL FILED:** September 27, 1948, District of Nevada.

**ALLEGED SHIPMENT:** On or about October 24, 1946, from Clearfield, Utah.

**PRODUCT:** 23 cases, each containing 24 1-pound, 14-ounce cans, of unpitted cherries at Las Vegas, Nev.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 29, 1948. Default decree of condemnation and destruction.

**14028. Adulteration of canned peaches. U. S. v. 300 Cases \* \* \*. (F. D. C. No. 25360. Sample No. 40218-K.)**

**LIBEL FILED:** August 12, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about March 20, 1948, by the Buckingham Farmers Co-op., Inc., from Dillwyn, Va.

**PRODUCT:** 300 cases, each containing 24 cans, of peaches at Baltimore and Salisbury, Md.

**LABEL, IN PART:** "Buckingham Brand Peaches Contents 1 Lb. 13 Ozs. [or 1 Lb. 14 Ozs.]"