

LABEL, IN PART: "Sea-Land Selected Blueberries."

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 decomposed and rotten blueberries.

DISPOSITION: January 8 and February 3, 1948. Decrees of condemnation and destruction.

14613. Adulteration and misbranding of canned cherries. U. S. v. 496 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 25510, 25872, Sample Nos. 36527-K, 45436-K, 45437-K.)

LIBELS FILED: October 12 and 27, 1948, Eastern District of Pennsylvania and Southern District of Iowa.

ALLEGED SHIPMENT: On or about August 2 and 6, 1948, by the Starr Fruit Products Co., from Salem and Portland, Oreg.

PRODUCT: Canned cherries. 496 cases at Philadelphia, Pa., and 48 cases at Davenport, Iowa. Each case contained 6 cans of 6-pound, 7-ounce, or 6-pound, 8-ounce, capacity.

LABEL IN PART: (Can) "Firefly Brand * * * Dark Sweet Pitted Cherries Packed in Water."

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 decomposed cherries.

Misbranding, Section 402 (a), (Philadelphia lot) the label statement "Packed in Water" was false and misleading since the article was packed in sirup; and, Section 402 (g) (2), the product was represented as canned cherries and failed to conform to the definition and standard of identity, since it failed to bear the name of the optional packing medium, as required by the regulations.

DISPOSITION: October 12 and December 7, 1948. Default decrees of condemnation and destruction.

14614. Misbranding of canned cherries. U. S. v. 49 Cases * * *. (F. D. C. No. 25556. Sample No. 36524-K.)

LIBEL FILED: October 12, 1948, Eastern District of Pennsylvania; amended December 17, 1948.

ALLEGED SHIPMENT: On or about August 6, 1948, by the Starr Fruit Products Co., from Portland, Oreg.

PRODUCT: 49 cases, each containing 24 1-pound, 13-ounce cans, of cherries at Philadelphia, Pa.

LABEL, IN PART: "Park Farm Brand (Pitted) Dark Sweet Cherries in Heavy Syrup Fancy Grade" and "Park Farm Brand Light Sweet Royal Anne Cherries Fancy Grade."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy Grade" was false and misleading as applied to the product, which was not of fancy grade because of defects; and the label statement "Light Sweet Royal Anne Cherries," which appeared on some of the can labels, was false and misleading as applied to the product, which consisted of pitted dark sweet cherries.

Further misbranding, Section 403 (g) (2), the article purported to be and was represented as canned cherries, a food for which a definition and standard of identity had been prescribed by regulation, and the label on some cans failed to bear the name of the food specified in the standard since the cans were

labeled "Light Sweet Royal Anne Cherries," whereas the cans contained pitted dark sweet cherries.

DISPOSITION: January 4, 1949. The Starr Fruit Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

14615. Adulteration of canned fruit cocktail. U. S. v. 86 Cases * * *. (F. D. C. No. 25717. Sample No. 23432-K.)

LIBEL FILED: October 19, 1948, Western District of Louisiana.

ALLEGED SHIPMENT: On or about September 7, 1948, by Hunt Foods, Inc., from Hayward, Calif.

PRODUCT: 86 cases, each containing 72 8-ounce cans, of fruit cocktail at Lake Charles, La.

LABEL, IN PART: "Hunt's Fruit Cocktail in Heavy Syrup."

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

DISPOSITION: January 18, 1949. Hunt Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. Of the 63 cases seized, 9 cases and 68 cans were found unfit and were destroyed.

DRIED FRUIT

14616. Adulteration of dried apples. U. S. v. 3 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 25934, 26212. Sample Nos. 39821-K, 39822-K.)

LIBELS FILED: December 2 and 9, 1948, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 12 and November 4, 1948, by the Howell Bakers Supply Co., from Cincinnati, Ohio.

PRODUCT: Dried apples. 3 50-pound boxes at Indianapolis, Ind., and 3 50-pound boxes at Clermont, Ind.

LABEL, IN PART: "Extra Choice Empire Oregon-Washington Dehydrated Apples Recleaned" or "Iris Brand Choice California Dehydrated Apples Sliced."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), (3 boxes) the product was prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 24, 1949. Default decrees of forfeiture and destruction. On March 29 and 30, 1949, amended decrees were entered ordering the product delivered to an institution, for use as hog feed.

14617. Adulteration of dried figs. U. S. v. 33 Cartons * * *. (F. D. C. No. 24357. Sample No. 9257-K.)

LIBEL FILED: March 4, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about October 25, 1947, by the Roeding Fig Co., from Fresno, Calif.