

LABEL, IN PART: (Can) "Welch's Crushed Bing Cherries Maraschino Flavor \* \* \* Contents 8 Pounds."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a deleterious substance, broken cherry pits, which might have rendered it injurious to health; and, Section 402 (a) (3), it consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was in part decomposed, contained an excessive amount of broken pits, and was short of the declared weight, "8 pounds.")

DISPOSITION: October 10, 1949. Default decree of condemnation and destruction.

15280. Misbranding of canned cherries, canned peaches, and canned pears. U. S. v. D & D Foods Co. and Florian F. Dauenhauer. Pleas of nolo contendere. Fine of \$300 against company suspended; fine of \$300 against individual. (F. D. C. No. 27522. Sample Nos. 32268-K, 36599-K, 36600-K, 37988-K, 41428-K, 50101-K.)

INFORMATION FILED: September 16, 1949, Eastern District of Washington, against the D & D Foods Co., a partnership, Wenatchee, Wash., and Florian F. Dauenhauer, partner and manager of the firm.

ALLEGED SHIPMENT: On or about March 25 and December 2, 1948, and January 3, February 12, and March 22, 1949, from the State of Washington into the States of California, Oregon, Pennsylvania, and Massachusetts.

LABEL, IN PART: "Dawn Hour \* \* \* Dark [or "Light"] Sweet Cherries," "Star Dee Brand Yellow Freestone Peaches Halves," "Star Dee Brand \* \* \* Freestone Peaches Sliced," "Chick-A-Dee Brand Halves Yellow Freestone Peaches," and "Star Dee Brand Bartlett Pears Halves."

NATURE OF CHARGE: Canned cherries. Misbranding, Section 403 (g) (2), the label failed to bear, as the definition and standard of identity for canned sweet cherries requires, the name of the optional packing medium present in the article. The label of the article bore the statement "In Extra Heavy Syrup," whereas the article was packed in sirup designated as "heavy sirup" in the definition and standard.

Canned peaches. Misbranding, Section 403 (e) (2), a portion of the article failed to bear a label containing an accurate statement of the quantity of the contents since the label of such portion bore the statement "Net Weight 1 lb 13 oz.," which was inaccurate since the weight of the contents of the cans was less than 1 pound and 13 ounces net. Further misbranding, Section 403 (h) (1), the quality of certain lots of the article fell below the standard of quality for canned peaches since the largest peach units were more than twice the weight of the smallest; all peach units were not untrimmed or were so trimmed as not to preserve their normal shape; and the label of these lots failed to bear the substandard legend.

Canned pears. Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned pears since the largest pear units were more than twice the weight of the smallest; all pear units were not untrimmed or were so trimmed as not to preserve their normal shape; more than 10 percent of the pear units in a container of 10 or more units were crushed or broken; and the label failed to bear the substandard legend.

**DISPOSITION:** October 13, 1949. Pleas of nolo contendere having been entered, the court imposed a fine of \$300 against the company, which fine was suspended. The court imposed also a fine of \$300 against the individual, which fine was to be paid.

### DRIED FRUIT

**15281. Adulteration of dried apple chops. U. S. v. 855 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 26892, 27041. Sample Nos. 43651-K, 51260-K.)

**LIBELS FILED:** March 23 and April 12, 1949, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about December 31, 1948, and February 20, 1949, by the Valley Evaporating Co., from Cowiche, Wash.

**PRODUCT:** 2255 cases, each containing 40 pounds, of dried apple chops at Louisville, Ky.

**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 rodent hairs, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 21, 1949. Consent decrees of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

**15282. Adulteration of dried figs. U. S. v. 173 Cartons \* \* \*. (F. D. C. No. 27609. Sample No. 34311-K.)**

**LIBEL FILED:** August 17, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 15, 1949, by the California Packing Corp., from San Francisco, Calif.

**PRODUCT:** 173 30-pound packages of dried figs at Philadelphia, Pa.

**LABEL, IN PART:** "Arabian Brand Extra Choice White Figs Packed by Roeding Fig Co. Fresno, Calif."

**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 insect-infested figs, and of a decomposed substance by reason of the presence of moldy figs.

**DISPOSITION:** August 31, 1949. The Roeding Fig Co. having appeared as claimant but subsequently having consented to the entry of a decree, judgment of condemnation and destruction was entered.

### PRESERVES

**15283. Adulteration of strawberry preserves. U. S. vs. 21 Cases \* \* \* (and 3 other seizure actions).** (F. D. C. Nos. 27668, 27674, 27679, 27689. Sample Nos. 2927-K, 19897-K, 19898-K, 47726-K.)

**LIBELS FILED:** Between August 1 and 13, 1949, Western District of Virginia and Eastern District of Tennessee.

**ALLEGED SHIPMENT:** On or about June 7, 16, and 29, and July 1, 1949, by Crossfield Foods, Inc., from Griffin, Ga.

**PRODUCT:** 325 cases, each containing 24 12-ounce jars, of strawberry preserves at Martinsville and Richlands, Va., and Newport and Morristown, Tenn.