

ALLEGED SHIPMENT: On or about August 7 and 30 and September 6, 1951, from the State of New Jersey into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of a decomposed substance by reason of the presence of moldy and rotten berries.

DISPOSITION: April 18, 1952. The defendant having entered a plea of guilty, the court fined him \$500 and placed him on probation for a period of 5 years.

19080. Adulteration of frozen strawberries. U. S. v. 1,400 Cans * * *. (F. D. C. No. 31921. Sample Nos. 10834-L, 12229-L.)

LIBEL FILED: October 23, 1951, Southern District of Indiana.

ALLEGED SHIPMENT: On or about June 13 and 15, 1951, by Stokely Foods, Inc., from Middleport, N. Y.

PRODUCT: 1,400 28-pound cans of frozen strawberries at Indianapolis, Ind.

LABEL, IN PART: "Fresh Frozen Whole Strawberries 28 Lbs. Net Wt. Packed By Geo. W. Haxton & Son Inc. Oakfield, N. Y."

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 rotten berries.

DISPOSITION: April 18, 1952. George W. Haxton & Son, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. Of the 1,472 cans of strawberries which were seized, 1,117 cans were released to the claimant and 355 cans were destroyed.

VEGETABLES

19081. Adulteration of canned brown beans. U. S. v. Ellis Canning Co., and Max A. Zelinger. Plea of guilty by Ellis Canning Co.; fine, \$400. Plea of nolo contendere by Max A. Zelinger; fine, \$200. (F. D. C. No. 32716. Sample Nos. 13578-L, 13579-L, 13868-L, 15150-L.)

INFORMATION FILED: July 30, 1952, District of Colorado, against the Ellis Canning Co., a corporation, Denver, Colo., and Max A. Zelinger, vice president of the corporation.

ALLEGED SHIPMENT: On or about October 16, 23, 24, and 25, 1951, from the State of Colorado into the States of Nebraska, Missouri, and Kansas.

LABEL, IN PART: "Ellis Western Style Brown Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added deleterious substance, namely, stones, which may have rendered it injurious to health.

DISPOSITION: September 10, 1952. A plea of guilty having been entered by the corporation and a plea of nolo contendere having been entered by Max A. Zelinger, the court imposed a fine of \$400 against the former and \$200 against the latter.