

DISPOSITION: June 29, 1953: Michigan Fruit Cannery, 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 relabeling under the supervision of the Department of Health, Education, and Welfare.

MISCELLANEOUS FRUIT PRODUCT

20324. Adulteration of lekvar. U. S. v. 67 Tins, etc. (F. D. C. No. 34457. Sample No. 37887-L.)

LABEL FILED: December 24, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 6, 1952, the Harter Packing Co. shipped a consignment of prunes from Yuba City, Calif., to New York, N. Y., where the juice was extracted and the residue sold to Adolph J. Mainzer, Inc., Long Island City, N. Y., which residue was used with other ingredients to make the lekvar.

PRODUCT: 67 40-pound tins and 8 300-pound drums of lekvar at Long Island City, N. Y.

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 insect parts. The product was adulterated when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: March 5, 1953. Default decree of condemnation and destruction.

VEGETABLES*

20325. Misbranding of stuffed olives. U. S. v. Walter S. Mills, Jr. (Epicure Specialties). Plea of guilty. Fine, \$200. (F. D. C. No. 33827. Sample Nos. 26239-L, 26668-L, 26669-L, 41439-L.)

INFORMATION FILED: November 12, 1952, Southern District of New York, against Walter S. Mills, Jr., trading as Epicure Specialties, New York, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of November 21, 1951, and June 12, 1952, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Mar-Se Stilton [or "Roquefort" or "Cheddar"] Stuffed Cocktail Olives Drained Weight 3½ Ozs. Packed Exclusively For Penn Food Distributors, Inc. Philadelphia, Pa." and "Mar-Se Triple Stuffed Olives Cont. Drained Wt. 3½ Oz. Packed Exclusively for Penn Food Distributors, Inc. Philadelphia, Pa."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the labels of the article failed to bear an accurate statement of the quantity of the contents. The labels of the article bore statements representing the drained weight of the article to be 3½ ounces, which statements were inaccurate since the article contained less than the stated quantity.

DISPOSITION: July 17, 1953. The defendant having entered a plea of guilty, the court fined him \$200.

20326. Misbranding of canned peas. U. S. v. 10 Cases * * *. (F. D. C. No. 34924. Sample No. 73021-L.)

LABEL FILED: April 16, 1953, Eastern District of Pennsylvania.

*See also No. 20314.

ALLEGED SHIPMENT: On or about February 23, 1943, from Cambridge, Md., to Philadelphia, Pa., where the product subsequently was sold to Max Factor.

PRODUCT: 10 cases, each containing 24 1-pound cans, of peas at Philadelphia, Pa., in the possession of Max Factor.

RESULTS OF INVESTIGATION: The dealer removed the original labels from the article after its shipment in interstate commerce and applied the label described below. The firm named on the label had no connection with the article.

LABEL, IN PART: (Can) "Broadcast Brand Wisconsin Early June Peas Packed by Klindt-Geiger Canning Co. Cassville, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas because of high alcohol-insoluble solids, and the label failed to bear a statement that the article fell below the standard. The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: June 24, 1953. Default decree of condemnation and destruction.

20327. Adulteration of frozen peas. U. S. v. 205 Cartons * * *. (F. D. C. No. 34633. Sample No. 66889-L.)

LIBEL FILED: January 27, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 12, 1952, from Oxnard, Calif.

PRODUCT: 205 cartons, each containing 12 2½-pound packages, of frozen peas at Philadelphia, Pa.

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 peas. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 9, 1953. Venturi, Inc., Philadelphia, Pa., 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 segregation of the unfit portion under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, all of the product was found to be unfit and was destroyed.

20328. Adulteration and misbranding of canned spinach. U. S. v. 3,004 Cases * * *. (F. D. C. No. 34252. Sample No. 54456-L.)

LIBEL FILED: December 1, 1952, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 18 and 21, 1952, by the Larsen Co., from Kent City, Mich.

PRODUCT: 3,004 cases, each containing 24 13-ounce cans, of spinach at Green Bay, Wis.

LABEL, IN PART: (Can) "Vacuum Packed Freshlike Brand Cut Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), pieces of wood had been substituted in whole or in part for spinach.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned spinach since the vegetable ingredient was not obtained by proper preparation from the succulent vegetable in that it had not been cleaned to remove pieces of wood.