

On September 16, 1940, the United States attorney for the District of New Jersey filed a libel against 16 barrels of raspberries at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 2, 1939, by W. R. Otto & Co. from Naples, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

1292. Adulteration of canned blackberries. U. S. v. 50 Cases of Canned Blackberries. Consent decree of condemnation and destruction. (F. D. C. No. 3092. Sample No. 26520-E.)

Examination showed the presence of moldy berries in this product.

On September 26, 1940, the United States attorney for the Territory of Hawaii filed a libel against 50 cases of canned blackberries at Honolulu, T. H., (consigned by Pacific Northwest Canning Co.), alleging that the article had been shipped in interstate commerce on or about August 9, 1940, from Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Famous Puyallup Brand Water Pack Blackberries."

On October 12, 1940, the American Factors, Ltd., Honolulu, T. H., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1293. Adulteration and misbranding of strawberries and raspberries. U. S. v. 597 Crates and 218 Crates of Strawberries, and 39 Crates of Raspberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 3073, 3078. Sample Nos. 34536-E, 36583-E, 36584-E.)

Examination showed the presence of moldy berries in these shipments. Moreover, the boxes were of a size that should hold about 1.6 pints; but they had false bottoms, and the raspberry boxes contained only about 1 pint and the strawberry boxes contained about 1.1 pint of fruit.

On September 23, 1940, the United States attorneys for the District of Massachusetts and the Southern District of New York filed libels against 597 crates of strawberries and 39 crates of raspberries at Boston, Mass., and 218 crates of strawberries at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about September 11 and 14, 1940, by George F. Brooks from Missoula, Mont.; and charging that they were adulterated and misbranded.

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

They were alleged to be misbranded in that the containers were so made, formed, or filled as to be misleading.

On October 8 and 14, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1294. Misbranding of canned cherries. U. S. v. 165 Cartons of Canned Cherries. Consent decree of condemnation. Product released under bond for re-labeling. (F. D. C. No. 2990. Sample No. 26307-E.)

This product was substandard because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On September 14, 1940, the United States attorney for the Southern District of Texas filed a libel against 165 cartons of canned cherries at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about August 10, 1940, by the Oceanic Sales Co. from Seattle, Wash.; and charging that it was misbranded. The article was labeled in part: (Cans) "Fargo Brand Red Sour Pitted Cherries * * * Packed for Food Products Co. of America Chicago."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard; and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 25, 1940, the C. S. Kale Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in accordance with the regulations.