

**6709. Misbranding of canned peaches. U. S. v. 149 Cases of Canned Peaches. Decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 10743. Sample No. 11946-F.)

**LIBEL FILED:** September 11, 1943, Western District of New York.

**ALLEGED SHIPMENT:** On or about August 24, 1943, by the Independent Grocers' Alliance Distributors, Inc., from Alameda, Calif.

**PRODUCT:** 149 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Rochester, N. Y.

**LABEL, IN PART:** (Cans) "Much-more Brand Packed in Light Syrup \* \* \* Halves Yellow Cling Peaches \* \* \* Packed For Food Products Co. of America Chicago, Ill."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statements "Packed in Light Syrup," and "Halves Yellow Cling Peaches," were false and misleading as applied to the article, which consisted of mixed pieces of irregular sizes and shapes, packed in slightly sweetened water.

**DISPOSITION:** February 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On March 20, 1944, Brewster Gordon & Co., Inc., Rochester, N. Y., having appeared as claimant, an amended decree was entered ordering the delivery of the product to the claimant under bond, for relabeling under the supervision of the Food and Drug Administration.

**6710. Misbranding of canned pears. U. S. v. 87 Cases of Canned Pears. Decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 11518. Sample No. 40798-F.)

**LIBEL FILED:** January 4, 1944, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 1, 1943, by the Kuhn Cannery, from Pattonsburg, Mo.

**PRODUCT:** 87 cases, each containing 24 1-pound, 12-ounce cans, of pears at St. Paul, Minn.

**LABEL, IN PART:** (Cans) "Pattonsburg Pride Brand Kieffer Pears Halves."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), the article fell below the standard for canned pears since it failed to meet the test for tenderness prescribed in the regulations; all the pear units were not untrimmed or so trimmed as to preserve their normal shape; and the product did not bear the sub-standard legend, as required by the regulations.

**DISPOSITION:** March 6, 1944. The Kuhn Cannery, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**6711. Adulteration of dried prunes. U. S. v. 2,400 Boxes of Dried Prunes. Portion ordered released; remainder condemned and ordered released under bond.** (F. D. C. No. 8606. Sample No. 19320-F.)

**LIBEL FILED:** October 19, 1942, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about September 17, 1942, by Guggenhime & Co., from San Jose, Calif.

**PRODUCT:** 2,400 26-pound boxes of dried prunes at Boston, Mass.

When this product was unloaded from the railroad car at destination, it was found that a heavy layer of coal dust covered the entire top tier of boxes. Coal dust had also sifted down between the boxes so that all were partially coated with coal dust. The boxes were stacked bottoms up and, since the bottoms consisted of two boards with space between, coal dust came in direct contact with the prunes in those cases in which the paper wrapper did not completely cover the prunes. Examination of a number of boxes showed that the surface of the prunes was covered with visible coal dust.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, coal dust.

**DISPOSITION:** On November 16, 1942, re-examination having shown that a portion of the product was fit for human consumption, a decree was entered ordering the release of the fit portion to the consignee, the U. S. Quartermaster Depot, Boston, Mass. On August 20, 1943, James J. Ryan, Boston, Mass., claimant for the remainder, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under

bond to be sorted, reprocessed, and converted into prune jam, under the supervision of the Food and Drug Administration. On March 28, 1944, the motion of the claimant to amend the decree of August 20, 1943, to permit the manufacture of the product into imitation prune apple butter was allowed.

**6712. Adulteration of dried, pitted prunes. U. S. v. 45 Boxes of Pitted Prunes. Default decree of condemnation and destruction. (F. D. C. No. 11931. Sample No. 66492-F.)**

**LIBEL FILED:** On or about March 6, 1944, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about April 23, 1943, by the Wm. A. Camp Co. Inc., from New York, N. Y.

**PRODUCT:** 45 boxes, each containing 25 pounds, of pitted prunes at Kansas City, Mo.

**LABEL, IN PART:** "Carnation Club Brand Pitted Prunes."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of contamination with insects, rodent excreta, and rodent hair fragments, and the presence of moldy prunes.

**DISPOSITION:** April 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6713. Adulteration of raisins. U. S. v. 199 Cases of Raisins (and 2 other seizure actions against raisins). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 12932, 13642, 13667. Sample Nos. 61695-F, 71966-F, 90388-F.)**

**LIBELS FILED:** Between July 12 and September 15, 1944, Eastern District of Louisiana, Eastern District of Missouri, and Western District of Washington.

**ALLEGED SHIPMENT:** From on or about January 18 to February 22, 1944, by the West Coast Growers and Packers, from Dinuba and Reedley, Calif.

**PRODUCT:** Raisins: 199 cases and 96 cases, each containing 30 pounds, at New Orleans, La., and St. Louis, Mo., respectively, and 38 cases, each containing 48 15-ounce cartons, at Seattle, Wash.

**LABEL, IN PART:** "Supreme Brand California Seedless Raisins," "Wesco Brand California Extra Choice Golden Bleached Thompson Seedless Raisins," or "Wesco Brand \* \* \* Choice Seeded Muscat Raisins."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect excreta, beetles, or pupae.

**DISPOSITION:** On October 11, 1944, the St. Louis Bakers' Cooperative Association having appeared as claimant for the lot at St. Louis, judgment of condemnation was entered and the product was ordered released under bond, the good portion to be converted into distilled spirits under the supervision of the Alcohol Tax Unit and the Food and Drug Administration, and the unfit portion to be destroyed or denatured for purposes other than human consumption. On August 25 and October 18, 1944, no claimant for the remaining lots having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**FRESH AND FROZEN FRUITS**

**6714. Adulteration of apples. U. S. v. 76 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 14367. Sample No. 54958-F.)**

**LIBEL FILED:** On November 19, 1943, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 6, 1943, by Lawrence W. Wade, from Fennville, Mich.

**PRODUCT:** 76 bushels of apples at Chicago, Ill.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

**DISPOSITION:** January 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.