

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

DISPOSITION: June 20, 1944. The Kadota Fig Association of Producers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be used in distillation, under the supervision of the Food and Drug Administration.

6721. Misbranding of canned fruit mix. U. S. v. 199 Cases of Canned Fruit Mix. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11803. Sample No. 30338-F.)

LIBEL FILED: February 14, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 20, 1944, by Tiedemann & McMorran, from Alameda, Calif.

PRODUCT: 199 cases, each containing 24 1-pound, 12-ounce cans, of fruit mix at Boston, Mass.

LABEL, IN PART: (Cans) "Val Vita Brand Fruit Mix."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement borne on the label, "Fruit Mix in Heavy Syrup Consists of Yellow Cling Peaches, Bartlett Pears and Seedless Grapes," together with a vignette representing the peaches and Bartlett pears to be in relatively large, regular-shaped pieces, was false and misleading since the product consisted of small, irregular-shaped pieces of peaches and pears and whole grapes packed in light sirup.

DISPOSITION: May 3, 1944. Henry B. Tiedemann and Russell W. McMorran, claimants, having admitted the 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.

6722. Adulteration of glacé fruit. U. S. v. 26 Boxes of Glacé Fruit. Default decree of condemnation and destruction. (F. D. C. No. 11739. Sample No. 70500-F.)

LIBEL FILED: On or about February 17, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about November 30, 1943, by Townsend's California Glacé Fruits Corporation, from San Francisco, Calif.

PRODUCT: 26 4-pound boxes of glacé fruit at Portland, Oreg.

LABEL, IN PART: "California Glacé Fruit."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hairs, and hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6723. Adulteration and misbranding of vinegar. U. S. v. The Speas Co. and John D. Waugh. Pleas of nolo contendere. Fine of \$3,800 for each defendant. (F. D. C. No. 10558. Sample Nos. 3162-F, 3170-F, 13727-F, 15936-F, 15937-F, 27726-F, 36049-F, 36057-F, 36061-F to 36063-F, incl., 36072-F.)

INFORMATION FILED: On November 9, 1943, in the District of Colorado, against the Speas Co., a corporation, and John D. Waugh, Denver, Colo.

ALLEGED SHIPMENT: Between the approximate dates of September 9, 1942, and February 2, 1943, by the defendants, from the State of Colorado into the States of Nebraska, California, and Wyoming; and between the approximate dates of February 15 and March 12, 1943, by the Morey Mercantile Co., into the State of Wyoming. The latter firm had a guaranty, dated June 27, 1939, and signed by the defendant, stipulating that the product was neither adulterated nor misbranded.

LABEL, IN PART: (Barrels) "Sixty Grain [or "ASHER BRAND"] Apple Cider Vinegar," or "Apple Cider Vinegar * * * Packed for Walter Schultz Co. Casper, Wyo."; (bottles) "Solitaire * * * Apple Cider Vinegar"; (jugs) "Fermented Apple Cider."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance containing volatile acids derived from sources other than apple cider vinegar had been substituted in whole or in part for the article; and, Section 402 (b) (4), such substance had been added to the article or had been mixed or packed with it so as to reduce its quality.

* Misbranding, Section 403 (a), the statements on the labeling of various portions of the article, "Apple Cider Vinegar," "Apple Cider Vinegar Full Strength," and "Apple Cider Vinegar Diluted [or "Reduced"] with Water to 4½% [or "5%"] Acetic Acid Strength," were false and misleading since the article did not consist solely of apple cider vinegar as represented, but was in whole or in part a substance containing volatile acids derived from sources other than apple cider vinegar; Section 403 (b), the article was offered for sale under the name of another food; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label did not bear the common or usual name of such ingredients.

Giving of a false guaranty, Section 301 (h), on or about June 27, 1939, the defendants guaranteed the Morey Mercantile Co., Denver, Colo., that all goods furnished to the latter company would be neither misbranded nor adulterated, and thereafter sold and delivered to that company a quantity of vinegar labeled "Apple Cider Vinegar" which was adulterated and misbranded in the manner described above.

DISPOSITION: December 22, 1943. Pleas of nolo contendere having been entered, each defendant was fined \$200 on each of 19 counts, a total fine of \$3,800 for each defendant.

VEGETABLES*

6724. Adulteration of pinto beans. U. S. v. 5 Bags of Pinto Beans. Default decree of forfeiture and destruction. (F. D. C. No. 12986. Sample No. 68054-F.)

LIBEL FILED: July 20, 1944, Southern District of Indiana.

ALLEGED SHIPMENT: On or about February 5, 1944, from Colorado Springs, Colo.

PRODUCT: Pinto beans: 5 bags, each containing 100 pounds, at Evansville, Ind., in the possession of A. Bromm and Co., Inc.

This product had been stored, after shipment, under insanitary conditions. Examination of the product disclosed the presence of rodent excreta pellets and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1944. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed. Destruction was effected by feeding the product to hogs.

6725. Adulteration of canned pork and beans with tomato sauce. U. S. v. 115 Cases of Pork and Beans (and 1 other seizure action against pork and beans). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 11770, 11840, 11841. Sample Nos. 67011-F, 67020-F.)

LIBELS FILED: February 9 and 16, 1944, Eastern and Western Districts of Oklahoma.

ALLEGED SHIPMENT: On or about November 29, 1943, and January 6, 1944, by the Morgan Packing Co., Austin, Ind.

PRODUCT: Pork and beans: 328 cases at Oklahoma City, Okla., 250 cases at Clinton, Okla., and 115 cases at McAlester, Okla., each case containing 24 1-pound, 1½-ounce jars.

Examination showed that the product in some jars was sour and moldy, and in other jars sour and decomposed.

LABEL, IN PART: (Jars) "American Beauty Pork & Beans With Tomato Sauce."

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

DISPOSITION: March 16 and April 14, 1944. The Morgan Packing Co., claimant, having admitted the allegation of the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

*See also No. 6604.