

DISPOSITION: November 29, 1946. The F. M. Thompson Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into wine, under the supervision of the Food and Drug Administration.

11422. Adulteration of frozen blackberries. U. S. v. 2,131 Cans, etc. (F. D. C. Nos. 20680, 21136. Sample Nos. 23589-H, 40008-H.)

LIBELS FILED: August 19 and on or about October 25, 1946, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of July 15 and 18, 1946, by the Welch Grape Juice Co., from Springdale, Ark.

PRODUCT: 1,575 cans and 556 cans, each containing 28 pounds, of frozen blackberries at Carthage, Mo.

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 sour, fermented, or decomposed blackberries.

DISPOSITION: March 21, 1947. The Welch Grape Juice Co. having appeared as claimant for both lots, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit berries were converted into a distilled alcoholic beverage, and the fit berries were released for human consumption.

11423. Adulteration of frozen peaches. U. S. v. 56 Cases, etc. (and 3 other seizure actions). (F. D. C. Nos. 20686, 20855, 20896, 20897. Sample Nos. 9858-H, 9959-H, 60177-H, 60187-H.)

LIBELS FILED: August 27 and September 9, 18, and 20, 1946, Western District of Pennsylvania and Western District of New York.

ALLEGED SHIPMENT: Between the approximate dates of September 1, 1945, and June 3, 1946, by John H. Dulany & Son, Inc., from Exmore, Va.

PRODUCT: Frozen peaches. 56 cases, 16 cases, and 10 cases, each containing 24 1-pound packages, at Erie, Bradford, and Warren, Pa., respectively; and 9 cartons, each containing 5 10-pound packages, at Elmira, N. Y.

LABEL, IN PART: "Dulany Quality Frosted Yellow Sliced Peaches With Syrup [or "With Sugar"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article consisted of an added poisonous and deleterious substance, thiourea, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: October 14 and 16 and November 13, 1946. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11424. Adulteration of frozen strawberries. U. S. v. 796 Cases * * *. (F. D. C. No. 21149. Sample No. 53802-H.)

LIBEL FILED: October 8, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 27, 1946, by the Fairmont Creamery Co., from Buffalo, N. Y.

PRODUCT: 796 cases, each containing 12 1-pound cups, of frozen strawberries at Columbus, Ohio.

LABEL, IN PART: "Fairmont Frozen Fresh Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 7, 1947. Default decree of condemnation and destruction.

11425. Adulteration of frozen strawberries. U. S. v. 299 Cases * * *. (F. D. C. No. 20679. Sample No. 52742-H.)

LIBEL FILED: August 20, 1946, Northern District of Ohio.

DISPOSITION: February 7, 1947. Default decree of condemnation and destruction from Buffalo, N. Y.

PRODUCT: 299 cases, each containing 12 1-pound cups, of frozen strawberries at Cleveland, Ohio.

LABEL, IN PART: "Fairmont's Frozen Fresh Strawberries Packed with Pure Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 18, 1947. No claim or answer having been filed, and the Westfield Planters Cooperative Fruit Products, Inc., packer of the product, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT PRODUCTS

11426. Misbranding of apple butter. U. S. v. 49 Cases * * *. (F. D. C. No. 21090. Sample No. 41949-H.)

LIBEL FILED: September 30, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 12, 1946, by the Adams Apple Products Corp., from Bendersville, Pa.

PRODUCT: 49 cases, each containing 6 7-pound, 8-ounce cans, of apple butter at Norfolk, Va. Analysis showed that the product contained less than 43 percent soluble solids.

LABEL, IN PART: "Adams Maid Brand Apple Butter."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity prescribed in the regulations for apple butter, which definition and standard requires that the product be concentrated by heat to such point that the soluble solids of the finished product is not less than 43 percent.

DISPOSITION: November 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to welfare organizations.

11427. Adulteration of grape jam. U. S. v. 82 Cases, etc. (F. D. C. Nos. 20605, 20637. Sample Nos. 42631-H, 43111-H.)

LIBELS FILED: August 5 and 9, 1946, Southern District of West Virginia and Western District of Virginia.

ALLEGED SHIPMENT: On or about June 6 and 10 and July 8, 1946, by New York Bakery, from Albany, N. Y.

PRODUCT: Grape jam, 82 cases at Charleston, W. Va., and 172 cases at Danville, Va. Each case contained 6 8.25-pound cans.

LABEL, IN PART: "Richardson Grape Jam * * * Richardson Corporation Rochester, New York."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: September 11 and November 12, 1946. No claimant having appeared, judgments of condemnation were entered. It was ordered that the Danville lot be delivered to a charitable institution, for use as animal feed, and that the Charleston lot be destroyed.

11428. Adulteration of date confection. U. S. v. 9 Cases * * *. (F. D. C. No. 20667. Sample No. 48117-H.)

LIBEL FILED: August 19, 1946, District of Utah.

ALLEGED SHIPMENT: On or about March 28, 1946, by the United Date Growers, from Coachella, Calif.

PRODUCT: 9 cases, each containing 24 10-ounce packages, of date confection at Salt Lake City, Utah.

LABEL, IN PART: "Date-E-Sweets A California Date and Fruit Confection."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and larvae.

DISPOSITION: September 27, 1946. Default decree ordering product destroyed by feeding it to animals.

11429. Adulteration of strawberry puree. U. S. v. 67 Barrels * * *. (F. D. C. No. 17558. Sample No. 11278-H.)