

**FRUITS AND VEGETABLES****CANNED FRUIT**

**13800. Adulteration of canned apples. U. S. v. 247 Cases \* \* \*. (F. D. C. No. 25165. Sample No. 477-K.)**

**LIBEL FILED:** August 5, 1948, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about January 15, 1947, from Winchester, Va.

**PRODUCT:** 247 cases, each containing 6 7-pound cans, of apples at Charlotte, N. C.

**NATURE OF CHARGE:** The product was adulterated while held for sale after shipment in interstate commerce in violation of Section 402 (a) (3), in that it consisted in whole or in part of a decomposed substance. (Examination showed that the product was undergoing chemical decomposition.)

**DISPOSITION:** September 13, 1948. Select Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. Of the 243 cases actually seized, 130 cases were segregated and destroyed.

**13801. Misbranding of canned blackberries. U. S. v. 12 Cases \* \* \*. (F. D. C. No. 25411. Sample No. 23255-K.)**

**LIBEL FILED:** August 27, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about July 29, 1948, by the Star Canning Co., from Lindale, Tex.

**PRODUCT:** 12 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Lake Charles, La.

**LABEL, IN PART:** "Famous Star Brand Blackberries"; (additional labeling, portion of cans) "Water Packed."

**NATURE OF CHARGE:** Misbranding, Section 403 (i) (2), the production was fabricated from two or more ingredients and the label failed to bear the common or usual name of each such ingredient since water was not declared; and, Section 403 (f), the statement "Water Packed" on a portion of the cans was not prominently displayed thereon (as compared with other words, statements, and designs in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** December 7, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13802. Misbranding of canned cherries. U. S. v. 30 Cases \* \* \*. (F. D. C. No. 24974. Sample No. 32268-K.)**

**LIBEL FILED:** June 29, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about March 25, 1948, by Wenatchee Food, from Wenatchee, Wash.

**PRODUCT:** 30 cases, each containing 24 1-pound, 13-ounce cans, of cherries at San Francisco, Calif.

**LABEL, IN PART:** "Dawn Hour Brand Dark Sweet Cherries in extra heavy syrup \* \* \* Packed by D and D Foods Co., Wenatchee, Wash."