

PRODUCT: 1,050 28-pound cans of frozen blackberries at Elmira, N. Y.

LABEL, IN PART: "Olympic Blackberries Unsweetened 28 Lbs. Net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten blackberries, and of a filthy substance by reason of the presence of worms.

DISPOSITION: November 18, 1948. The Fruitcrest Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered released under bond, conditioned that it be manufactured by distillation into distilled spirits or a nonalcoholic blackberry flavor, under the supervision of the Federal Security Agency.

14047. Adulteration of frozen strawberries. U. S. v. 280 Cans * * *. (F. D. C. No. 25468. Sample No. 2064-K.)

LIBEL FILED: August 17, 1948, District of Columbia.

ALLEGED SHIPMENT: The product was in interstate commerce in the District of Columbia.

PRODUCT: 280 cans, each containing approximately 30 pounds, of frozen strawberries in the District of Columbia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: December 31, 1948. Default decree of condemnation. The product was ordered delivered to the National Zoological Park.

14048. Adulteration of frozen blueberries. U. S. v. 565 Boxes, etc. Tried to the court. Judgment for Government. Product released under bond, but subsequently destroyed. (F. D. C. No. 21199. Sample No. 19577-H.)

LIBEL FILED: October 12, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about June 8, 1946, by the Continental Fruit Distributors, from Chicago, Ill.

PRODUCT: 1,440 22-pound boxes of frozen blueberries at Minneapolis, Minn.

LABEL, IN PART: "Blueberries Product of Canada Canada Packers Quebec City."

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 rotten blueberries.

DISPOSITION: The Continental Fruit Distributors, Toronto, Canada, claimant, filed an answer alleging that the Food and Drug Administration had issued a statement of conditions requiring the exportation or destruction of the product within three months from July 15, 1946; that before the expiration of the three-month period, the Administration had rescinded the right of exportation previously granted; and that the rights of exportation accruing to the claimant under Section 801 of the Act were violated by such rescission and filing of the libel.

The case came on for trial before the court on May 11, 1948, and at the conclusion thereof, the court took the matter under advisement for consideration of the evidence and briefs of the parties. On July 13, 1948, the court handed down its findings of fact and conclusions of law, to the effect that the product was shipped from Hamilton, Ontario, by the Continental Fruit Distributors, on or about May 6, 1946, and arrived in customs at Detroit, Mich., on May 9, 1946, when a sample was taken by the Food and Drug Administration; that