

NATURE OF CHARGE: Apples. Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the declared weight.)

Cherries. Misbranding, Section 403 (h) (1), the product fell below the standard of quality for pitted canned cherries since it contained excessive pits and failed to bear the substandard legend.

DISPOSITION: April 5, 1948. Default decree of condemnation. The products were ordered delivered to a charitable institution.

14421. Adulteration of canned apricots. U. S. v. 17 Cases * * *. (F. D. C. No. 26883. Sample No. 53155-K.)

LIBEL FILED: March 21, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 22, 1948, by Libby, McNeil & Libby, from Oakland, Calif.

PRODUCT: 17 cases, each containing 24 1-pound, 1-ounce cans, of apricots at New Orleans, La.

LABEL, IN PART: "Libby's Unpeeled Halves Apricots in Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of glass fragments.

DISPOSITION: April 20, 1949. Default decree of condemnation and destruction.

14422. Adulteration of canned blueberries. U. S. v. 1,248 Cases * * *. (F. D. C. No. 22615. Sample No. 54050-H.)

LIBEL FILED: March 10, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 17, 1946, by the Sea-Land Frosted Foods Corp., from Fruitland, N. Y.

PRODUCT: 1,248 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Toledo, Ohio.

LABEL, IN PART: "Sea-Land Selected Blueberries."

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 blueberries.

DISPOSITION: September 18, 1947. The Sea-Land Frosted Foods Corp. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be exported to Canada or any other foreign country, under the supervision of the Food and Drug Administration. On March 31, 1948, that portion of the decree providing for the release of the product under bond for exportation was vacated and set aside, and the product was ordered advertised and sold for use as animal feed. June 18, 1948. Since the product was not sold, it was ordered destroyed.

14423. Adulteration of canned blueberries. U. S. v. 100 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26669, 26823. Sample Nos. 46996-K, 47001-K.)

LIBELS FILED: March 1 and 3, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 13 and 22, 1948, by the Sea-Land Foods Corp., from Boston, Mass.

PRODUCT: Canned blueberries. 20 cases, each containing 24 1-pound, 4-ounce cans, at Altoona, Pa., and 100 cases, each containing 24 14½-ounce cans, at Pittsburgh, Pa.

LABEL, IN PART: "Sea-Land Selected Blueberries."

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 decomposed blueberries.

DISPOSITION: March 30 and 31, 1949. Default decrees of condemnation and destruction.

14424. Misbranding of canned cherries. U. S. v. 408 Cases * * *. (F. D. C. No. 26489. Sample Nos. 37392-K, 37399-K, 37400-K, 41201-K.)

LIBEL FILED: January 31, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about September 17, 1948, by Reynolds Brothers, Inc., from Sturgeon Bay, Wis.

PRODUCT: 408 cases, each containing 6 6-pound, 9-ounce cans, of cherries at Seattle, Wash.

LABEL, IN PART: "Chere-Pi-Pak Reynolds Sturgeon Bay Pitted Tart Red Pie Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cherries since more than one pit was present in each 20 ounces of canned cherries and its label failed to bear a statement that it fell below such standard.

DISPOSITION: March 8, 1949. Reynolds Brothers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

14425. Misbranding of canned pears. U. S. v. 450 Cases * * *. (F. D. C. No. 26401. Sample No. 36570-K.)

LIBEL FILED: January 12, 1949, Eastern District of New York; amended libel filed January 26, 1949.

ALLEGED SHIPMENT: On or about December 16, 1948, by the Apple Growers Assoc., Inc., from Hood River, Oreg.

PRODUCT: 150 cases, each containing 6 6-pound, 8-ounce cans, of pears at Brooklyn, N. Y.

LABEL, IN PART: "Silver Grille Brand Hood River Halves Bartlett Pears."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since not all of the units were untrimmed or so trimmed as to preserve normal shape, and it failed to bear the substandard legend.

DISPOSITION: February 23, 1949. Apple Growers Assoc., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

14426. Misbranding of canned pears. U. S. v. 264 Cases * * *. (F. D. C. No. 25733. Sample No. 48970-K.)

LIBEL FILED: November 3, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about July 3, 1948, by the Apple Growers Assoc., Inc., from Hood River, Oreg.

PRODUCT: 264 cases of canned pears at Denver, Colo.