

**FROZEN FRUIT**

**16590. Adulteration and misbranding of frozen cherries. U. S. v. 218 Cans \* \* \*.**  
(F. D. C. No. 27724. Sample No. 7755-K.)

**LIBEL FILED:** August 26, 1949, Western District of New York.

**ALLEGED SHIPMENT:** On or about August 1, 1949, by the Sunshine Packing Corp. of Pennsylvania, from North East, Pa.

**PRODUCT:** 218 30-pound cans of frozen cherries at Falconer, N. Y. Examination showed that the product contained pits in excess of the number which can be regarded as unavoidable. Under good commercial practice, pits can be kept down to one pit or less per 20 ounces.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "R. S. P. Montmorency Cherries" was false and misleading as applied to partially pitted cherries.

**DISPOSITION:** September 26, 1949. The Sunshine Packing Corp. of Pennsylvania, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing or relabeling, under the supervision of the Federal Security Agency. The product subsequently was relabeled on May 8, 1950.

**16591. Adulteration of frozen strawberries. U. S. v. 21 Cartons \* \* \*.**  
(F. D. C. No. 27836. Sample No. 57065-K.)

**LIBEL FILED:** September 12, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 13, 1949, by the Sunshine Packing Corp. of Pennsylvania, from North East, Pa.

**PRODUCT:** 21 cartons, each containing 4 tins, of frozen strawberries at New York, N. Y.

**LABEL IN PART:** (Tins) "10 Lbs. Net Wt. Sliced Strawberries."

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

**DISPOSITION:** April 12, 1950. The Sunshine Packing Corp. of Pennsylvania, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating the good portion from the bad, under the supervision of the Federal Security Agency. Salvage was unsuccessful, and the product was destroyed.

**VEGETABLES**

**16592. Adulteration of beans and popcorn. U. S. v. 7 Bags \* \* \* (and 1 other seizure action). (F. D. C. Nos. 28909, 28910. Sample Nos. 78305-K, 78306-K.)**

**LIBEL FILED:** On or about March 29, 1950, Western District of Washington.

**ALLEGED SHIPMENT:** On or about October 26, 1949, and January 18, 1950, from Nampa, Idaho, and San Francisco, Calif.

**PRODUCT:** 7 100-pound bags of beans and 8 100-pound bags of popcorn at Seattle, Wash., in possession of the J. C. Wright Sales Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 11, 1950. Default decrees of condemnation. The court ordered that the products be delivered to a Federal institution, for use as animal feed.

**16593. Adulteration of canned corn. U. S. v. 36 Cases \* \* \*. F. D. C. No. 29302. Sample No. 75157-K.)**

**LIBEL FILED:** On or about August 1, 1950, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about April 5, 1950, by W. A. Long & Sons, from Monticello, Iowa.

**PRODUCT:** 36 cases, each containing 24 1-pound, 4-ounce cans, of sweet corn at Baton Rouge, La.

**LABEL, IN PART:** "Our Value Brand Cream Style White Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of excess salt rendering it unpalatable.

**DISPOSITION:** August 30, 1950. Default decree of condemnation and destruction.

**16594. Misbranding of canned mushrooms. U. S. v. 320 Cases \* \* \*. (F. D. C. No. 29256. Sample No. 35042-K.)**

**LIBEL FILED:** June 2, 1950, Northern District of California.

**ALLEGED SHIPMENT:** Between the dates of March 17, 1949, and April 23, 1950, by the Delaware Mushroom Cooperative Assn., from Wilmington, Del.

**PRODUCT:** 320 cases, each containing 24 8-ounce cans, of mushrooms at San Francisco, Calif.

**LABEL, IN PART:** (Can) "First State Fancy Buttons Mushrooms."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "Fancy Buttons Mushrooms" was false and misleading as applied to an article that was not fancy because of excessive blemished units.

**DISPOSITION:** August 18, 1950. The Delaware Mushroom Cooperative Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

## MEAT AND POULTRY

**16595. Adulteration of frozen rabbits. U. S. v. 294 Bushel Baskets \* \* \*. (F. D. C. No. 28741. Sample No. 73104-K.)**

**LIBEL FILED:** March 2, 1950, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 12, 1950, by the Bismarck Hide & Fur Co., from Bismarck, N. Dak.

**PRODUCT:** 294 bushel baskets, each containing from 52 to 62 pounds, of frozen rabbits at Bronx, N. Y.

**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 fur and fecal matter.