

19232. Adulteration of frozen scallops. U. S. v. 21 Cartons * * *. (F. D. C. No. 33299. Sample No. 23241-L.)

LIBEL FILED: June 18, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about May 29, 1952, by the International Fish Co., from New York, N. Y.

PRODUCT: 21 5-pound cartons of frozen scallops at Monmouth Beach, N. J.

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 scallops.

DISPOSITION: August 5, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES*

CANNED FRUIT

19233. Misbranding of canned cherries. U. S. v. 71 Cases * * *. (F. D. C. No. 33683. Sample No. 29346-L.)

LIBEL FILED: September 22, 1952, Eastern District of Washington.

ALLEGED SHIPMENT: On or about July 16, 1952, by Seiter's, Inc., from Post Falls, Idaho.

PRODUCT: 71 cases, each containing 24 cans, of cherries at Spokane, Wash.

LABEL, IN PART: "State Flower Brand Net Weight 1 Lb. 3 Oz. Pitted Red Sour Cherries In Water."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since more than 15 percent of the cherries in the container were blemished with skin discoloration and its label failed to bear, as required by the standard, a statement that it fell below the standard.

DISPOSITION: November 28, 1952. The shipper, 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 to be relabeled, under the supervision of the Federal Security Agency.

19234. Misbranding of canned stewed fruit compote. U. S. v. 198 Cases * * *. (F. D. C. No. 32941. Sample No. 37233-L.)

LIBEL FILED: March 12, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about December 11, 1951, by Lord Mott Co., Inc., from Baltimore, Md.

PRODUCT: 198 cases, each containing 24 1-pound cans, of stewed fruit compote at Bronx, N. Y.

LABEL, IN PART: "Krasdale Stewed Fruit Compote."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient; and, Section 403 (k), the product contained a chemical preservative and failed to bear labeling stating that fact. (Examination disclosed that the product contained sulfur dioxide.)

*See also No. 19201.

DISPOSITION: May 5, 1952. Lord Mott Co., Inc., 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 to be relabeled, under the supervision of the Federal Security Agency.

Further examination disclosed the presence of a number of cans which had swelled. The claimant opened all of the cans and sold the product for use as animal feed.

DRIED FRUIT

19235. Adulteration of dried apricots and dried mixed fruit. U. S. v. 124 Cases, etc. (F. D. C. No. 32928. Sample Nos. 7531-L, 7532-L.)

LABEL FILED: April 1, 1952, Western District of New York.

ALLEGED SHIPMENT: On or about February 7, 1952, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

PRODUCT: 124 cases, each containing 24 1-pound bags, of dried apricots, and 173 cases, each containing 24 12-ounce bags, of dried mixed fruit, at Buffalo, N. Y.

LABEL, IN PART: "Sugar Ripe Medium Apricots [or "Fancy Mixed Fruit"] California Dried Fruit."

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 insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 20, 1952. Rosenberg Bros. & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be reprocessed and reconditioned, under the supervision of the Food and Drug Administration. The reconditioning operations were unsuccessful, and the products were destroyed.

19236. Adulteration of dried pears. U. S. v. 10 Cases * * *. (F. D. C. No. 33202. Sample No. 27282-L.)

LABEL FILED: April 30, 1952, District of Hawaii.

ALLEGED SHIPMENT: On or about April 9, 1952, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

PRODUCT: 10 cases, each containing 24 1-pound packages, of dried pears at Honolulu, T. H.

LABEL, IN PART: Sugaripe Brand California Dried Fruits Medium Pears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and insect excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 10, 1952. The sole intervener having consented to the entry of a decree, judgment of condemnation and destruction was entered.

VEGETABLES

19237. Adulteration and misbranding of canned kidney beans. U. S. v. 299 Cases * * *. (F. D. C. No. 32988. Sample No. 36844-L.)

LABEL FILED: April 1, 1952, Eastern District of New York.