

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for pitted canned cherries because of an excessive number of pits in the cherries and because an excessive number of cherries were blemished with discoloration, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: April 23, 1954. The defendant having entered a plea of guilty, the court fined it \$2,000, but suspended the fine.

DRIED FRUIT

21132. Adulteration of raisins. U. S. v. 268 Cases * * *. (F. D. C. No. 35989. Sample No. 42807-L.)

LABEL FILED: November 24, 1953, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 30, 1953, by the Sun Maid Raisin Growers Association of California, from Fresno, Calif.

PRODUCT: 268 cases of raisins at Pittsburgh, Pa.

LABEL, IN PART: "Sun Maid Raisin Growers Assoc. of Calif. 30 Lbs Net."

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 insects and insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 12, 1954. Default decree of condemnation. The court ordered that the product be delivered to a State hospital, for use as animal feed.

21133. Adulteration of raisins. U. S. v. 34 Cases * * *. (F. D. C. No. 35967. Sample No. 61968-L.)

LABEL FILED: November 10, 1953, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 10, 1953, by the California Raisin Co., from Fowler, Calif.

PRODUCT: 34 cases of raisins at Council Bluffs, Iowa.

LABEL, IN PART: "Net Wt. 30 Lbs. Farm Boy Select Seedless Raisins."

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 insects, insect parts, and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 23, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable or public institution, for use as animal feed.

FRESH FRUIT

21134. Adulteration of fresh blueberries. U. S. v. 28 Trays * * *. (F. D. C. No. 35555. Sample No. 73489-L.)

LABEL FILED: August 13, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 11, 1953, by Mrs. Ethel Gatto, from Hammonton, N. J.

PRODUCT: 28 trays, each containing 12 pints, of fresh blueberries at Philadelphia, Pa. Examination showed that the product contained maggots.

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

DISPOSITION: March 24, 1954. Default decree of condemnation and destruction.

VEGETABLES

21135. Adulteration of yellow split peas, lima beans, and yellow whole peas.
U. S. v. 10 Bags, etc. (F. D. C. No. 36302. Sample Nos. 83442-L to 83444-L, incl.)

LIBEL FILED: February 16, 1954, District of South Dakota.

ALLEGED SHIPMENT: On or about July 11, 1952, and January 13, 1953, from Gering, Nebr.

PRODUCT: 10 100-pound bags of yellow split peas, 14 100-pound bags of lima beans, and 5 100-pound bags of yellow whole peas at Sioux Falls, S. Dak., in possession of the Mid-Town Storage & Distributing Co.

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

DISPOSITION: April 2, 1954. The Chester B. Brown Co., Gering, Nebr., and the Mid-Town Storage & Distributing Co., Sioux Falls, S. Dak., having appeared as claimants and admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. 357 pounds of the split peas, 389 pounds of the lima beans, and 55 pounds of the whole peas were found unfit and were denatured.

21136. Adulteration of canned black-eyed peas. U. S. v. 7 Cases * * *.
(F. D. C. No. 36228. Sample No. 59843-L.)

LIBEL FILED: January 6, 1954, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about December 8, 1952, by the VaLee Canning Corp., from Raymondville, Tex.

PRODUCT: 7 cases, each containing 6 cans, of black-eyed peas at Troy, N. C.

LABEL, IN PART: (Can) "Blackeye Peas Vita Best Brand Fresh Shelled * * * Contents 6 Lb. 8 Oz. Distributed by Gilbert C. Wilson Laboratories, Pittsburg, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of a chemical-like off-flavor.

DISPOSITION: March 3, 1954. Default decree of condemnation and destruction.