

25412. Dates. (F.D.C. No. 42790. S. No. 47-420 P.)

QUANTITY: 50 70-lb. boxes at Cambridge, Mass.

SHIPPED: 11-14-58, from New York, N.Y.

LIBELED: 1-14-59, Dist. Mass.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 3-9-59. Default—destruction.

25413. Dried apple pomace. (F.D.C. No. 42745. S. Nos. 47-294/6 P.)

QUANTITY: 41 55-lb. bags and 250 75-lb. bags at Malden, Mass., in possession of A. A. Knights & Son Corp.

SHIPPED: 8-26-58 and 10-24-58, from Beglerville, Pa.

LIBELED: 12-23-58, Dist. Mass.,

CHARGE: 402(a) (3)—contained rodent hair fragments; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 2-16-59. Default—destruction.

MISCELLANEOUS FRUIT PRODUCTS

25414. Cider, vinegar, and an acidulated mixture of water and limejuice. (Inj. No. 330.)

COMPLAINT FOR INJUNCTION FILED: 2-27-58, Dist. N.H., against Harold M. Richardson, t/a Richardson Vinegar Works, and against Lime Products, Inc., Derry, N.H.

CHARGE: The complaint alleged that the defendants were operating a plant for the preparation, storage, and distribution of cider, vinegar, and an acidulated mixture of water and limejuice, and that the defendants had been and were introducing and causing to be introduced into interstate commerce, such articles which were adulterated within the meaning of 402(a) (3) and (4) by reason of contamination of the articles with insects, insect fragments, insect eggs, mites, and maggots; the use of wormy apples in the preparation of the cider and vinegar; the presence of vinegar eels in the vinegar; the use of rotten apples in the preparation of the cider and vinegar; and by reason of the articles being prepared, packed, and held under insanitary conditions at the defendants' plant at Derry.

It was alleged that the insanitary conditions resulted from and consisted of the presence of large numbers of rotten and wormy apples in the stock of apples held in storage bins; deposits of vegetable debris (leaves, grass, stems and pieces of apples, and apple pulp) on the conveyor belt carrying the apples from the storage bins to the grinder and over the open bin leading to the grinder; hundreds of fruit flies on the apples in the open bin leading to the grinder and on the frame work of the hydraulic press used to squeeze the juice from the ground apples; insects, including fruit flies, insect fragments, insect eggs, mites, and maggots on the inside walls of the storage tanks of the articles; vinegar eels in the vinegar in the storage tanks; apple pomace stacked just outside the plant and attracting hundreds of fruit and house flies; and unscreened windows and doors throughout the plant.

It was alleged also that the acidulated mixture of water and limejuice was misbranded within the meaning of 403(a), in that the label statement "Lime Fruit Juice" was false and misleading as applied to a mixture consisting of water, limejuice, benzoate of soda, and citric acid; and 403(i) (2), in that the label of the mixture failed to bear the common or usual name