

Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Net Contents 7 $\frac{1}{4}$ Fld. Ozs. or .21438 Liters [or "7 $\frac{3}{4}$ Ozs. or 219.9 Grams"] Val Vita Brand Fancy Tomato Juice [or "Spanish Style Tomato Sauce"]."

The article was alleged to be misbranded (1) in that the statements, "Net Contents 7 $\frac{1}{4}$ Fld. Ozs. or .21438 Liters" and "Net Contents 7 $\frac{3}{4}$ Ozs. or 219.9 Grams * * * Spanish Style Tomato Sauce," were false and misleading since the cans contained less than those amounts of tomato juice; and (2) in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On October 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2937. Adulteration of tomato sauce and adulteration and misbranding of tomato paste. U. S. v. 81 Cases of Tomato Paste and 49 Cases of Tomato Sauce (and 6 other seizure actions against tomato paste). Default decrees of condemnation. Tomato sauce and portion of tomato paste ordered destroyed; remainder of tomato paste ordered distributed to local charitable agencies. (F. D. C. Nos. 4248, 4635, 4636, 4696, 4697, 4721, 4778. Sample Nos. 22409-E, 22410-E, 22522-E, 22523-E, 22526-E, 22527-E, 22540-E, 22541-E.)

The tomato sauce and the tomato paste, with the exception of one lot, were contaminated with worm and insect fragments. Portions of the tomato paste also failed to conform to the definition and standard of identity for tomato paste in that they contained less than 25 percent of salt-free tomato solids.

Between April 7 and May 16, 1941, the United States attorneys for the Southern District of New York and the Districts of Rhode Island and Massachusetts filed libels against 49 cases, each containing 72 8-ounce cans, of tomato sauce at New York, N. Y., and the following quantities of tomato paste—131 cases each containing 100 6-ounce cans at New York, N. Y.; 598 cases each containing 100 6-ounce cans at Providence, R. I.; and 50 cases each containing 100 6-ounce cans at Boston and 25 cases each containing 100 6-ounce cans at New Bedford, Mass., alleging that the articles had been shipped by the Hollister Canning Co. from Hollister and Oakland, Calif., within the period from on or about February 21 to on or about March 30, 1941; and charging that the tomato sauce and portions of the tomato paste were adulterated and that portions of the tomato paste were also misbranded. They were labeled in part: "San Benito Brand Naples Style Tomato Paste"; and "Hollister Brand * * * Spanish Style Tomato Sauce."

The tomato paste, with the exception of one portion (199 cases) of that seized at Providence, and the tomato sauce were alleged to be adulterated in that they consisted in whole or in part of filthy substances.

Portions of the tomato paste were alleged to be misbranded for the reasons appearing above.

Between April 26 and July 8, 1941, no claimant having appeared for any of the products, judgments of condemnation were entered and the tomato sauce and the tomato paste, with the exception of the portion seized at Providence that was not adulterated, were ordered destroyed. On June 13, 1941, the unadulterated portion of the tomato paste was ordered distributed to local charitable agencies.

OTHER FRUIT AND VEGETABLE PRODUCTS

2938. Adulteration and misbranding of preserves. U. S. v. 20 Cases of Preserves. Default decree of condemnation and destruction. (F. D. C. No. 5112. Sample No. 53904-E.)

Examination showed that this product was deficient in fruit, and the soluble solids content was less than 68 percent.

On July 21, 1941, the United States attorney for the District of Arizona filed a libel against 20 cases, each containing 12 2-pound jars of strawberry preserves at Kingman, Ariz., alleging that the article had been shipped in interstate commerce on or about April 18, 1941, by Golden West Products Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Bonnie Brae Brand Pure Strawberry Preserves."

The article was alleged to be adulterated in that an imitation strawberry preserve, deficient in fruit and soluble solids, had been substituted wholly or in part for strawberry preserves.

It was alleged to be misbranded (1) in that the name "Pure Strawberry Preserves" was false and misleading as applied to an article that was deficient

in fruit and soluble solids; (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since it was deficient in fruit and soluble solids.

On October 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2939. Adulteration and misbranding of jams. U. S. v. 273 Cases and 310½ Cases of Jam. Consent decree of condemnation. Products ordered released under bond to be relabeled. (F. D. C. No. 6281. Sample No. 38700-E.)

Examination showed that these products did not contain one of the fruit ingredients required by the standards of identity for apple-strawberry and apple-raspberry jams, namely, apple; and it also failed to contain the proportion of fruit required by the standard.

On November 29, 1941, the United States attorney for the District of Minnesota filed a libel against 273 cases each containing 12 cans of apple-strawberry jam and 310½ cases each containing 12 cans of apple-raspberry jam at Minneapolis, Minn., alleging that the articles had been shipped in interstate commerce on or about April 30, August 14, and September 27, 1941, by Oelerich & Berry Co. from Chicago, Ill.; and charging that they were adulterated and misbranded. They were labeled in part: "Barefoot Boy Apple-Strawberry [or "Apple-Raspberry"] Jam."

The articles were alleged to be adulterated in that an imitation strawberry jam and an imitation raspberry jam had been substituted for apple-strawberry jam and apple-raspberry jam, respectively, as defined in the definition and standard of identity for apple-strawberry jam and apple-raspberry jam prescribed by regulations as provided by law.

They were alleged to be misbranded (1) in that the names "Apple-Strawberry Jam" and "Apple-Raspberry Jam" were false and misleading as applied to an article that did not contain one of the fruit ingredients required by the definition and standard, namely, apple; (2) in that each was offered for sale under the name of another food; (3) in that they were imitations of other foods, i. e., strawberry jam and raspberry jam, as defined in the definition and standard, and their labels failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (4) in that they were represented to be apple-strawberry jam and apple-raspberry jam, foods for which a definition and standard of identity had been prescribed, and they failed to conform to such standard, since they contained less than 45 parts by weight of the fruit ingredient to 55 parts by weight of the saccharine ingredient (as defined in the standard), and since the weight of one of the foods named, i. e., apple, was less than one-fifth of the weight of the combination of fruits named in such foods.

On December 17, 1941, Oelerich & Berry Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2940. Adulteration of strawberry preserves. U. S. v. 190 Cases of Strawberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 5998. Sample No. 61555-E.)

Examination of this product showed the presence of moldy berries.

On October 20, 1941, the United States attorney for the Southern District of New York filed a libel against 190 cases of strawberry preserves at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 16, 1941, by the Tea Garden Products Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jars) "Tea Garden Strawberry Preserves."

On November 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2941. Adulteration of dill pickles. U. S. v. 50 Barrels of Dill Pickles. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6205. Sample No. 54255-E.)

Examination showed that this product contained rodent hair and insect fragments.