

4456. Adulteration and misbranding of strawberry preserve. U. S. v. 14 Cases of Strawberry Preserve. Consent decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 5999. Sample No. 74053-E.)

This product was insufficiently cooked since the soluble solid contents of the finished preserves was less than 68 percent.

On October 10, 1941, the United States attorney for the District of Connecticut filed a libel against 14 cases of strawberry preserve at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about September 5, 1941 by Krasne Bros. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars): "KayPak Pure Strawberry Preserve Contents 1 Pound."

The article was alleged to be adulterated in that an insufficiently concentrated mixture of fruit and sugar which contained less soluble solids than required in the definition and standard of identity prescribed in the regulations promulgated for fruit preserves had been substituted wholly or in part for strawberry preserves as defined in such definition and standard.

The article was alleged to be misbranded (1) in that the name "Pure Strawberry Preserve" was false and misleading as applied to an article which was insufficiently concentrated; (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 and it failed to conform to such definition and standard.

On October 1, 1942, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

4457. Adulteration and misbranding of jellies. U. S. v. 7 Cases, 10 Cases and 9 Cases of Jellies. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 8493. Sample Nos. 14122-F, 14125-F, 14126-F.)

On October 13, 1942, the United States attorney for the District of Nevada filed a libel against 26 cases, each containing 6 jars, of jellies at Las Vegas, Nev. alleging that the articles had been shipped in interstate commerce on or about July 19, 1942, by the Diamond-T Preserving Co. from Los Angeles, Calif.; and charging that they were adulterated and misbranded. The articles were labeled in part: (Jars) "D'Lite Brand Pure Currant [or "Grape" or "Plum"] Jelly net wgt. 8 lbs. 8 oz."

The articles were alleged to be adulterated in that imitation currant jelly, grape jelly, and plum jelly, deficient in fruit juices, had been substituted wholly or in part for currant jelly, grape jelly, and plum jelly.

They were alleged to be misbranded (1) in that the designations "Pure Currant Jelly," "Pure Grape Jelly," and "Pure Plum Jelly," borne on the labels were false and misleading when applied to products deficient in fruit juices; (2) in that they were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the foods imitated; (3) in that they purported to be and were represented as foods for which definitions and standards of identity had been prescribed by regulations promulgated pursuant to law and they failed to conform to such definitions and standard since they had been made from mixtures containing less than 45 parts by weight of fruit juices to each 55 parts by weight of the specified saccharine ingredients provided in such definitions and standard of identity.

On November 7, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution.

4458. Misbranding of apple butter. U. S. v. 24 Cases of Apple Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 7879. Sample No. 88195-E.)

On July 13, 1942, the United States attorney for the Northern District of Texas filed a libel against 24 cases, each containing 24 cans, of apple butter at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about February 28, 1942, by Kuner-Empson Co. from Brighton, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "Empson's Apple Butter."

The article was alleged to be misbranded in that it purported and was represented to be a food for which a definition and standard of identity had been promulgated pursuant to law and it failed to conform to such definition and standard of identity since its soluble solids content was less than 43 percent and such regulation requires that the soluble solids content of apple butter be not less than 43 percent.

On October 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Subsequently, on October 23, the order of destruction was changed to order the delivery of the article to charitable institutions.

4459. Misbranding of apple butter. U. S. v. 37 Cases and 50 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 8567. Sample Nos. 14224-F, 14225-F.)

This product was insufficiently concentrated and was short weight.

On October 22, 1942, the United States attorney for the District of Arizona filed a libel against 37 cases, each containing 24 2-pound cans, and 50 cases, each containing 6 No. 10 cans, of apple butter at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about April 6, 1942, by the Delta County Canning Co. from Delta, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "Town Talk * * * Apple Butter * * * Packed for The Stone-Hall Co., Denver, Colo.," or "Town Talk Apple Butter * * * Special Hotel Pack."

The article was alleged to be misbranded (1) in that the name "Apple Butter" was false and misleading since it did not comply with the definition and standard of identity for apple butter prescribed by regulations promulgated pursuant to law; (2) in that the statements, "Contents 2 lbs.," and "Net Contents 7 lbs. 3 oz.," were false and misleading as applied to an article that was short weight; (3) in that it was food in package form and its label failed to bear an accurate statement of the quantity of the contents; and (4) in that it purported to be and was represented as a food which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and it failed to conform to such definition and standard since it had not been concentrated by heat to such point that the soluble solids content of the finished product was not less than 43 percent as required by such regulations.

On November 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND POULTRY

4460. Adulteration of turkeys. U. S. v. Falls City Creamery Company. Plea of guilty. Fine of \$50 plus costs. (F. D. C. No. 7703. Sample No. 77139-E.)

On October 23, 1942, the United States attorney for the District of Nebraska filed an information against the Falls City Creamery Co., a corporation, at Falls City, Neb. charging shipment on or about May 28, 1942 from the State of Nebraska into the State of Pennsylvania of a quantity of turkeys that were adulterated in that they consisted in whole or in part of decomposed substances, and in that they were in whole or in part the product of diseased animals.

On November 6, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and costs.

4461. Adulteration of poultry. U. S. v. 102 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 8654. Sample No. 2333-F.)

On October 29, 1942, the United States attorney for the Northern District of Illinois filed a libel against 102 barrels of poultry at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 2, 1942, by the H. & H. Poultry Co., Inc., from Selbyville, Del.; 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: "Milk Fed Poultry Brooke Meadow."

On October 30, 1942, the H. & H. Poultry Co., the shipper, having disclaimed liability and having asserted that the condition of the product was the result of negligence of the railroad company, and having abandoned the product and no claim or answer having been filed, judgement of condemnation was entered and the product was ordered destroyed.