

6125. Adulteration and misbranding of peach-flavored spread and pineapple-flavored spread. U. S. v. 35 Cartons of Peach Flavored Spread and 65 Cartons of Pineapple Flavored Spread. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 11830. Sample Nos. 76141-F, 76143-F.)

LIBEL FILED: February 19, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about December 9 and 11, 1943, by Ace Preserves, from New York, N. Y.

PRODUCT: 35 cartons, each containing 24 jars, of peach-flavored spread, and 65 cartons, each containing 24 jars, of pineapple-flavored spread at Bayonne, N. J.

LABEL, IN PART: "Pantry Brand Peach [or "Pineapple"] Flavored Spread
* * * Manufactured By Pantry Products Co. New York, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of fruit, sugar, pectin, water, and acid had been substituted for peach and pineapple jam, respectively, which the articles purported to be.

Misbranding, Section 403 (g) (1), the articles purported to be foods for which definitions and standards of identity have been prescribed by regulations promulgated pursuant to law, and they failed to conform to these definitions and standards since the articles were made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the optional saccharine ingredients specified in the definitions and standards, and the articles were not concentrated by heat, as required by the regulations, to such point that the soluble solids content was, in the case of the peach spread, 65 percent or less, and, in the case of the pineapple spread, 68 percent or less.

DISPOSITION: No claimant having appeared, judgment of condemnation was entered on June 5, 1944, and the product was ordered delivered to a charitable organization.

MISCELLANEOUS FRUIT PRODUCTS*

6126. Adulteration of white fig paste. U. S. v. 570 Cases of White Fig Paste. Consent decree of condemnation. Product ordered released under bond for distillation. (F. D. C. No. 12314. Sample No. 70494-F.)

LIBEL FILED: On or about May 11, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about September 18, 1943, From Fresno, Calif.

PRODUCT: 570 cases of white fig paste, at Portland, Oreg., in possession of the B. & O. Transfer Co.

This product had been stored after shipment under insanitary conditions. Many of the cartons had been damaged by rodents, and rodent excreta was noted on the cartons and in some of the exposed fig paste. Examination showed that the product contained insect and larva fragments, rodent excreta, and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), in that the product consisted in whole or in part of a filthy substance; and, Sections 402 (a) (4), in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 4, 1944. Rosenberg Bros. & Co., San Francisco, Calif., having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for distillation, under the supervision of the Food and Drug Administration.

6127. Adulteration of fig paste. U. S. v. 400 Cartons of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12281. Sample No. 71211-F.)

LIBEL FILED: On or about May 5, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about November 24, 1943, by the Roeding Fig & Olive Co., from Fresno, Calif.

PRODUCT: 400 80-pound cartons of fig paste at Portland, Oreg.

LABEL, IN PART: "Mecca Brand Fig Paste."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and insect fragments.

*See also Nos. 6001-6003.