

7296. Adulteration of frozen strawberries. U. S. v. 3 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 14343. Sample No. 63578-F.)

LIBEL FILED: November 1, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about October 5, 1944, by the Atlantic Co., from Atlanta, Ga.

PRODUCT: 3 barrels, each containing approximately 543 pounds of frozen strawberries, at Charlotte, N. C.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed strawberries.

DISPOSITION: December 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT PRODUCTS

7297. Adulteration of fig paste. U. S. v. 451 Boxes of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12449. Sample No. 51082-F.)

LIBEL FILED: May 27, 1944, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 8, 1944, by the Fresno Home Packing Co., from Fresno, Calif.

PRODUCT: 451 80-pound boxes of fig paste, at Scranton, Pa.

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

DISPOSITION: November 21, 1944. The Koligian Brothers, Fresno, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be used for distillation purposes, under the supervision of the Federal Security Agency and the Alcohol Tax Unit of the Treasury Department.

7298. Adulteration of candied fruit peels. U. S. v. 228 Cartons of Candied Fruit Peels. Default decree of condemnation and destruction. (F. D. C. No. 14599. Sample Nos. 85165-F to 85167-F, incl.)

LIBEL FILED: November 24, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 4, 1944, by the Garden Fruit Specialties Co., Lakeland, Fla.

PRODUCT: 228 cartons, each containing 40 pounds, of candied fruit peels of assorted kinds, at Philadelphia, Pa.

LABEL, IN PART: (Portion) "Garden Brand Glace Fruits"; (remainder) "Packed for Brown Packing Co. Contains Grapefruit, Orange, and Lemon Peels and Citron Melon [or "Contains Citron, Grapefruit Orange and Lemon Peels"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7299. Adulteration of assorted fruits, confectionery, and wine-flavored gelatin. U. S. v. E. C. Rich, Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 12531. Sample Nos. 50219-F, 50221-F, 57456-F to 57458-F, incl.)

INFORMATION FILED: On August 3, 1944, in the Southern District of New York, against E. C. Rich, Inc., New York, N. Y.

ALLEGED SHIPMENT: From on or about October 1 to November 10, 1943, from the State of New York into the States of Pennsylvania and New Jersey.

LABEL, IN PART: (Cartons) "Fruits of Victory," "Assorted Fruits," "Rich's Wine Flavored Gelatin Dessert Port [or "Sherry" or "Madeira"]"; (box) "Rich's Turkish Delight."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Insect fragments, rodent hair fragments, a larva head, insect pupa, beetles, splinters, plant fibers, a fine piece of charcoal, metal foil, small chips, insect excreta pellets, and a live weevil; and, Section

402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 11, 1944. A plea of guilty having been entered, the defendant was fined \$50.

7300. Adulteration and misbranding of jam. U. S. v. 153 Cases and 164 Cases of Jam (and 1 other seizure action against jam). Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered to a public institution. (F. D. C. Nos. 14603, 14668. Sample Nos. 92846-F, 92847-F.)

LIBELS FILED: November 27 and December 19, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about October 18, 1944, by the Southland Preserving Co., from Chattanooga, Tenn.

PRODUCT: 717 cases, each containing 24 1-pound jars, of jam, at Washington, D. C.

LABEL, IN PART: (Jars) "Tara 'Fruit of the Good Earth' Pure Raspberry [or 'Strawberry'] Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), a portion of the product (strawberry) consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as strawberry or raspberry jam, a food for which a definition and standard of identity has been prescribed by regulations promulgated by law, and it failed to conform to such definition and standard since it was made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard.

DISPOSITION: January 2 and 10, 1945. No claimant having appeared, judgments of condemnation were entered and the decomposed portion of the product was ordered destroyed. The remainder was ordered delivered to a public institution.

7301. Adulteration of jellies. U. S. v. 10 Cases of Apple-Strawberry Jelly, 20 Cases of Apple Jelly, 10 Cases of Apple-Grape Jelly, 10 Cases of Apple-Raspberry Jelly, 25 Cases of Blackberry Jelly. Default decree of condemnation. Products ordered delivered to a charitable institution, for use as animal feed. (F. D. C. No. 14136. Sample Nos. 99003-F to 99007-F, incl.)

LIBEL FILED: October 27, 1944, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about September 13, 1944, by the Preserve Products Co., St. Louis, Mo.

PRODUCT: 25 cases, each containing 24 1-pound jars, and 50 cases, each containing 12 2-pound jars, of jellies, at O'Fallon, Ill.

LABEL, IN PART: "Haddon Hall Pure Apple-Strawberry [or "Apple," "Apple-Grape," or "Apple-Raspberry"] Jelly," and "Blue Star Pure Blackberry Jelly."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites.

DISPOSITION: November 27, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution, for use as animal feed.

7302. Adulteration and misbranding of jellies. U. S. v. 35 Cases of Apple Jelly, 100 Cases of Red Raspberry Jelly, 100 Cases of Strawberry Jelly, 50 Cases of Blackberry Jelly. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14403. Sample Nos. 86704-F, 86705-F, 86707-F, 86709-F.)

LIBEL FILED: November 13, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 7, 1944, by the Phillips Co., from Chicago, Ill.

PRODUCT: 35 cases of apple jelly, 100 cases of red raspberry jelly, 100 cases of strawberry jelly, and 50 cases of blackberry jelly, each case containing 24 12-ounce jars, at Milwaukee, Wis.

LABEL, IN PART: (Jars) "United Brand Pure Apple Jelly Mint Flavored [or "Red Raspberry Jelly," "Strawberry Jelly," or "Blackberry Jelly"]. * * * Distributed by United Food Sales Milwaukee, Wis."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, fruit juice, had been in part omitted; and Section 402 (b) (2), products deficient in fruit juice, insufficiently concentrated, and containing added water and phosphoric acid or acid phosphate, had been substituted in whole or in part for the jellies.