

DISPOSITION: February 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7813. Adulteration of stuffed fruit. U. S. v. 723 Packages of Stuffed Fruit. Default decree of condemnation and destruction. (F. D. C. No. 14994. Sample Nos. 73264-F, 73265-F, 73268-F, 73269-F.)

LIBEL FILED: January 15, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about November 2 and 9, 1944, by the Liberty Fig and Date Co., from Chicago, Ill.

PRODUCT: 331 2-pound packages and 392 1-pound packages of stuffed fruit at Oakland, Calif.

LABEL, IN PART: "Delicious Stuffed Fruit [or "Fruits"]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of wormy, sour, and moldy white figs.

DISPOSITION: March 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7814. Adulteration of frozen raspberries. U. S. v. 21 Barrels of Frozen Raspberries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14887. Sample No. 93962-F.)

LIBEL FILED: January 3, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about December 6, 1944, by Bardinnet Exports, Inc., from Middleport, N. Y.

PRODUCT: 21 barrels, each containing approximately 450 pounds, of frozen raspberries, at Elizabeth, N. J.

LABEL, IN PART: "Cold Packed Columbian Raspberries * * * Packed by George W. Haxton & Son, Inc., Oakfield, N. Y."

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 berries.

DISPOSITION: February 5, 1945. Bardinnet Exports, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for distillation purposes.

FRUIT BUTTERS, JAMS, AND JELLIES

7815. Adulteration and misbranding of apple butter. U. S. v. 49 Cases of Apple Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14123. Sample No. 74233-F.)

LIBEL FILED: October 25, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about September 13, 1944, by the California Preserving Co., from Los Angeles, Calif.

PRODUCT: 49 cases, each containing 12 jars, of apple butter, at Galveston, Tex.

LABEL, IN PART: "Catalina Brand Pure Apple Butter Net Contents 1 Lb. 12 Oz. Made from Fresh Apples."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product insufficiently concentrated had been substituted in whole or in part for apple butter.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since the soluble solids content of the finished product was less than 43 percent.

DISPOSITION: January 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

7816. Adulteration and misbranding of jams. U. S. v. 34 Cases of Jams. Default decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 14018. Sample Nos. 88040-F, 88041-F.)

LIBEL FILED: October 14, 1944, District of Rhode Island.

ALLEGED SHIPMENT: On or about June 5 and July 27, 1944, by the Mactavish Preserves Co., Inc., from Brooklyn, N. Y.

PRODUCT: 28 cases, each containing 24 jars, of strawberry jam, and 6 cases, each containing 24 jars, of apricot jam, at Woonsocket, R. I.

LABEL, IN PART: "Mactavish Pure Strawberry Jam [or "Apricot Jam"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), products deficient in fruit had been substituted in whole or in part for strawberry and apricot jams, foods for which definitions and standards of identity have been prescribed by regulations promulgated pursuant to law.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for strawberry and apricot jams since they had been made from mixtures composed of less than 45 parts by weight of one of the fruit ingredients to each 55 parts by weight of one of the saccharine ingredients specified in the regulations.

DISPOSITION: November 18, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered distributed to certain charitable institutions.

7817. Adulteration and misbranding of blackberry jam. U. S. v. 85 Cases of Blackberry Jam. Default decree of condemnation. Product ordered delivered to local hospitals. (F. D. C. No. 14344. Sample No. 93011-F.)

LIBEL FILED: November 1, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about September 28, 1944, by the Standard Fruit Product Co., from Cincinnati, Ohio.

PRODUCT: 85 cases, each containing 6 jars, of blackberry jam at Washington, D. C.

LABEL, IN PART: "Sugarnut Quality Black Berry Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 68 percent soluble solids had been substituted in whole or in part for blackberry jam, a food for which the soluble solids content has been fixed at not less than 68 percent by regulations establishing a reasonable definition and standard of identity for blackberry jam.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as blackberry jam, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard.

DISPOSITION: December 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local hospitals, for their use and not for sale.

7818. Adulteration and misbranding of apple jelly. U. S. v. 169 Cases of Apple Jelly. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 12859. Sample No. 71644-F.)

LIBEL FILED: July 8, 1944, District of Montana.

ALLEGED SHIPMENT: On or about March 17, 1944, by the Southwest Food Products Co., from Long Beach, Calif.

PRODUCT: 169 cases, each containing 12 2-pound jars, of apple jelly, at Missoula, Mont.

LABEL, IN PART: (Jars) "Dude Ranch Pure Apple Jelly."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product of less than 65 percent soluble solids content had been substituted in whole or in part for apple jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple jelly since it had not been concentrated by heat to such point that its soluble solids content was not less than 65 percent; and, Section 403 (a), the name "Apple Jelly," appearing in the labeling, was false and misleading since the product failed to conform to the definition and standard of identity for fruit jelly promulgated pursuant to law.

DISPOSITION: December 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

7819. Adulteration and misbranding of jelly. U. S. v. 35 Cases of Blackberry Jelly, 84 Cases of Red Raspberry Jelly, 94 Cases of Strawberry Jelly, 115 Cases of Currant Jelly, and 50 Cases of Cherry Jelly. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 12861. Sample Nos. 38401-F, 54897-F to 54900-F, incl.)

LIBEL FILED: On or about July 6, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 6 and May 5, 1944, by the Phillips, Co., Inc., from Chicago, Ill.