

ALLEGED SHIPMENT: On or about October 4, 1944, by J. L. Willmeng & Son, from Benton Harbor, Mich.

PRODUCT: 189 bushels of apples at Chicago, Ill. Examination showed that the apples bore spray residue containing excessive lead.

LABEL, IN PART: "King Apples."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: January 5, 1945. Gordon Willmeng, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be peeled for pie apples, under the supervision of the Food and Drug Administration.

9097. Adulteration of apple butter. U. S. v. California Preserving Co. Plea of guilty. Fine, \$1,000. (F. D. C. No. 15549. Sample Nos. 71058-F, 74233-F.)

INDICTMENT FILED: October 3, 1945, Southern District of California, against the California Preserving Co., a corporation, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about January 18 and September 12, 1944, from the State of California into the States of Oregon and Texas.

LABEL, IN PART: "Catalina Brand Pure Apple Butter."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the prescribed definition and standard of identity, 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.

DISPOSITION: October 16, 1945. A plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$500 on each of the 2 counts.

9098. Misbranding of dehydrated applesauce. U. S. v. 5 Cases of Dehydrated Applesauce. Default decree of condemnation. Product ordered delivered to a charitable or public institution. (F. D. C. No. 15817. Sample No. 27425-H.)

LIBEL FILED: March 29, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about December 14, 1944, by the Aldama Products Co., from Los Angeles, Calif.

PRODUCT: 5 cases, each containing 24 packages, of dehydrated applesauce at Portland, Oreg.

LABEL, IN PART: "E-Z Sauce Makes Delicious Apple Sauce Dehydrated Apples Prepared With Sulphur Dioxide Net Weight 3½ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statements appearing on the card enclosed with the shipping case, "No Points Needed * * * Apple Sauce One Quart of Apple Sauce from 1 Pkg. E. Z. Sauce (3½ Ozs.)," and the label statements, "E-Z Sauce Makes Delicious Apple Sauce," were misleading in that they implied that the product was a complete applesauce mix containing sugar as well as apple, whereas the purchasers must supply sugar, which requires points; and, Section 403 (f), the common or usual name of the product, "Dehydrated Apples," the net weight statement, and the statement of added sulfur dioxide, required to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since they appeared in print so small as to be practically illegible.

DISPOSITION: May 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable or public institution.

9099. Adulteration and misbranding of frozen cherries. U. S. v. Sound Fruit Growers Association. Plea of nolo contendere. Fine, \$150 and costs. (F. D. C. No. 15516. Sample No. 61949-F.)

INFORMATION FILED: November 16, 1945, Western District of Washington, against the Sound Fruit Growers Association, a partnership, Sumner, Wash.

ALLEGED SHIPMENT: On or about August 1, 1944, from Tacoma, Wash., into the State of Mississippi.