

DISPOSITION: March 5, 1948. Pleas of nolo contendere having been entered, the defendants were each fined \$500, plus costs.

12933. Adulteration of strawberry puree. U. S. v. Breyer Ice Cream Co., a corporation, and Frank S. Bartoletti and Herman Kruse. Pleas of guilty. Corporation fined \$500; individual defendants each fined \$5. (F. D. C. No. 23574. Sample Nos. 5328-H, 65315-H, 65321-H, 65333-H, 65334-H.)

INFORMATION FILED: January 5, 1948, Southern District of Florida, against the Breyer Ice Cream Co., Plant City, Fla., and Frank S. Bartoletti, general manager, and Herman Kruse, plant foreman.

ALLEGED SHIPMENT: On or about April 13, 15, 17, and 20, and May 3, 1946, from the State of Florida into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: March 4, 1948. Pleas of guilty having been entered, the corporation was fined \$500 and the individual defendants were each fined \$5.

12934. Adulteration of strawberry puree. U. S. v. Brown Packing Co. Plea of guilty. Fine, \$500. (F. D. C. No. 23577. Sample Nos. 63722-H, 63723-H.)

INFORMATION FILED: October 15, 1947, Southern District of Florida, against the Brown Packing Co., a corporation, Plant City, Fla.

ALLEGED SHIPMENT: On or about April 13 and 16, 1946, from the State of Florida into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: March 4, 1948. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

12935. Adulteration and misbranding of cherry-pineapple marmalade and raspberry-pineapple marmalade. U. S. v. 19 Cases, etc. (F. D. C. No. 23887. Sample Nos. 8755-K, 8756-K.)

LIBEL FILED: October 31, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 3, 1947, by the Groveland Products Company, Inc., from Miami, Fla.

PRODUCT: 34 cases, each containing 24 jars, of marmalade at Brooklyn, N. Y.

LABEL, IN PART: "Cherry [or "Raspberry"] Pineapple Marmalade Certified Color and Imitation Flavor Added Net Wt. 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products containing artificial flavor and artificial color had been substituted for cherry-pineapple and raspberry-pineapple preserves, foods for which a definition and standard of identity has been prescribed by regulations.

Misbranding, Section 403 (g) (1), the products purported to be cherry-pineapple or raspberry-pineapple preserves, and they failed to conform to the definition and standard of identity, since they contained artificial color and artificial flavor, which are not permitted as ingredients in such products; and, Section 403 (a), the label statements "Cherry Pineapple Marmalade" and "Raspberry Pineapple Marmalade" were misleading, since the products had a predominating artificial flavor and contained little or no cherry or raspberry fruit.

DISPOSITION: March 3, 1948. Default decree of condemnation. The products were ordered delivered to a charitable institution.

12936. Adulteration and misbranding of blackberry preserves. U. S. v. 44 Cases * * * (F. D. C. No. 22967. Sample No. 76443-H.)

LIBEL FILED: May 2, 1947, Western District of Louisiana.

ALLEGED SHIPMENT: On or about March 10, 1947, by the Phelan Co., from Beaumont, Tex.

PRODUCT: 44 cases, each containing 12 2-pound jars, of blackberry preserves at De Quincy, La.

LABEL, IN PART: "Tak-A-Taste Brand * * * Pure Blackberry Preserves Packed By Cecil Brown Fig Co., Friendswood, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 68 percent soluble solids content had been substituted for blackberry preserves.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for blackberry preserves, 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 the saccharine ingredients; and the article was not concentrated by heat to the point where its soluble solids content amounted to at least 68 percent.

DISPOSITION: December 9, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12937. Adulteration and misbranding of strawberry preserves. U. S. v. 200 Cases * * *. (F. D. C. No. 22686. Sample No. 44683-H.)

LIBEL FILED: March 12, 1947, District of Arizona.

ALLEGED SHIPMENT: On or about January 2, 1947, by the Pacific Coast Packing Co., from San Diego, Calif.

PRODUCT: 200 cases, each containing 24 1-pound jars, of strawberry preserves at Phoenix, Ariz.

LABEL, IN PART: "Imperial Brand Pure Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 68 percent soluble solids had been substituted for strawberry preserves.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for strawberry preserves, since the soluble solids content of the product was less than 68 percent, the minimum permitted by the regulations.

DISPOSITION: May 6, 1947. Default decree of condemnation. The product was ordered delivered to charitable institutions.

12938. Misbranding of jelly. U. S. v. 60 Jars * * *. (F. D. C. No. 24329. Sample No. 4661-K.)

LIBEL FILED: February 2, 1948, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 5, 1947, by the Cinnama-Tang Products Co., from Syracuse, N. Y.

PRODUCT: 60 8-ounce jars of jelly at Boston, Mass.

LABEL, IN PART: "8 Oz. Mint Tang Jelly."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product purported to be fruit jelly, mint flavoring and artificial coloring added, and it failed to conform to the definition and standard of identity prescribed by the regulations for such product, since it contained no fruit juice. The regulations provide that fruit jelly, mint flavoring and artificial coloring added, is made from a mixture of 45 parts by weight of the fruit juice ingredient, or a combination of fruit juice ingredients, extracted from apple, crab apple, pineapple, or any two or all of such fruits, to each 55 parts by weight of the saccharine ingredient, to which has been added mint flavoring and harmless green coloring.

Further misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The jars were short-weight.)

DISPOSITION: March 1, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12939. Adulteration and misbranding of wine vinegar. U. S. v. Anthony Bertola (A. Bertola & Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 20107. Sample Nos. 16723-H, 18022-H.)

INFORMATION FILED: October 28, 1946, Southern District of New York, against Anthony Bertola, trading as A. Bertola & Co.

ALLEGED SHIPMENT: On or about July 30, 1944, and January 22, 1945, from the State of New York into the State of Illinois.

LABEL, IN PART: "Wine Vinegar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially colored mixture of wine vinegar and acetic acid, or distilled vinegar, had been substituted for wine vinegar; and, Section 402 (b) (3), the product was inferior to wine vinegar, and its inferiority had been concealed by the addition of artificial