

LABEL, IN PART: "Honeymoon Brand Pure Red Currant [or "Strawberry," "Black Raspberry," or "Mint"] Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products deficient in fruit juice and containing less than 65 percent soluble solids had been substituted for the above-named jellies.

Misbranding, Section 403 (g) (1), the products purported to be and were represented as red currant jelly, strawberry jelly, black raspberry jelly, and fruit jelly, mint flavoring and artificial coloring added, foods for which definitions and standards of identity had been prescribed, and they failed to conform to such definitions and standards since they were made from mixtures composed of less than 45 percent by weight of the fruit juice ingredient, red currant, strawberry, black raspberry, and fruit (apple, crab apple, or pineapple), mint flavoring and artificial coloring added, to each 55 parts by weight of one of the saccharine ingredients, and the soluble-solids content of the finished product was less than 65 percent.

DISPOSITION: June 24, 1948. Default decree of condemnation. The products were ordered delivered to charitable institutions.

13304. Adulteration and misbranding of apple butter. U. S. v. 432 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22774, 23086, 23087. Sample Nos. 39529-H, 87708-H, 87709-H.)

LABELS FILED: March 25 and June 21, 1947, Eastern District of Wisconsin and Northern District of New York.

ALLEGED SHIPMENT: On or about November 26, 1946, and January 11, 1947, by the Adams Apple Products Corp., from Bendersville, Pa.

PRODUCT: Apple butter. 432 cases, each containing 12 2-pound, 6-ounce jars, at Green Bay, Wis., and 83 cases, each containing 6 7-pound, 8-ounce jars, at Dannemora, N. Y.

LABEL, IN PART: "Adams Apple Apple Butter," or "Adams Maid Brand * * * Apple Butter."

NATURE OF CHARGE: Adulteration (portion), Section 402 (b) (2), a product of less than 43 percent soluble-solids content had been substituted for apple butter.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for apple butter, since the product was not concentrated by heat to such a point that the soluble-solids content of the butter was not less than 43 percent.

DISPOSITION: June 19 and September 13, 1947. Default decrees of condemnation. The Green Bay lot was ordered delivered to charitable institutions, and the other lot was ordered destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

13305. Adulteration and misbranding of canned asparagus. U. S. v. 196 Cases * * * (and 9 other seizure actions). (F. D. C. Nos. 21913, 22132, 22254, 22256 to 22262, incl. Sample Nos. 46256-H, 46952-H, 62997-H.)

LABELS FILED: December 5, 1946, and January 7 and February 7, 1947, Eastern District of Michigan and Eastern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about August 14 and 28 and October 29, 1946, by Parrott & Co., from Oakland and San Francisco, Calif.

PRODUCT: Asparagus. 196 cases, each containing 6 6-pound, 12-ounce cans, at Detroit, Mich., 485 cases, each containing 6 6-pound, 5-ounce cans, at New York, N. Y., and 732 cases, each containing 24 1-pound, 2-ounce cans, at Brooklyn, N. Y.

LABEL, IN PART: "Fairplay Brand [or "Exposition Brand"] Tips Removed Asparagus."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), tough, fibrous, and inedible parts of asparagus had been substituted for asparagus cuts—tips removed.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for asparagus cuts—tips removed, since the standard provides that asparagus cuts—tips removed are the edible, succulent portions of sprouts of the asparagus plant from which the tip had

been removed and cut in pieces, whereas the product consisted of tough, fibrous, and inedible parts of the asparagus plant.

DISPOSITION: January 8, February 5, and March 20, 1947. Default decrees of condemnation. The Detroit lot was ordered delivered to a Federal institution, for use as hog feed, and the remaining lots were ordered destroyed.

13306. Adulteration of canned beans. U. S. v. Stokely-Van Camp, Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 23610. Sample Nos. 73680-H, 73682-H.)

INFORMATION FILED: December 12, 1947, District of Massachusetts, against Stokely-Van Camp, Inc., New Bedford, Mass.

ALLEGED SHIPMENT: On or about March 18, 1947, from the Commonwealth of Massachusetts into the State of Ohio.

LABEL, IN PART: "Van Camp's New England Style California Pea Beans With Pork * * * Distributed By Stokely-Van Camp, Inc. New Bedford, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of rancid pork.

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

13307. Adulteration of fava beans. U. S. v. 76 Bags * * *. (F. D. C. No. 24940. Sample No. 9564-K.)

LIBEL FILED: July 6, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about May 22, 1948, from Sheboygan, Wis.

PRODUCT: 76 100-pound bags of fava beans at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was adulterated while held for sale after shipment in interstate commerce, in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: July 29, 1948. Default decree of condemnation and destruction.

13308. Misbranding of green beans. U. S. v. 30 Cases * * *. (F. D. C. No. 23683. Sample No. 54435-H.)

LIBEL FILED: On or about September 15, 1947, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 14, 1946, by the Ozark Packing Co., from Ozark, Ark.

PRODUCT: 30 cases, each containing 24 cans, of cut green beans at Canton, Ga. Examination showed that some of the cans contained sweet potatoes.

LABEL, IN PART: "Ozark Brand Cut Green Beans Contents 1 Lb. 12 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Cut Green Beans" was false and misleading as applied to sweet potatoes.

DISPOSITION: January 19, 1948. No claimant having appeared, a decree of condemnation and forfeiture was entered. The United States marshal was directed to bring the products into compliance with the law by separating the cans containing sweet potatoes and relabeling them properly.

13309. Adulteration of frozen broccoli. U. S. v. Washington Frosted Foods, Inc., William S. Cahill, and Ernest R. Walter. Pleas of guilty. Corporation fined \$250 and costs. Imposition of sentence was suspended as to the individual defendants and they were placed on probation for 6 months. (F. D. C. No. 23616. Sample No. 3980-H.)

INFORMATION FILED: April 5, 1948, Western District of Washington, against Washington Frosted Foods, Inc., Kent, Wash., William S. Cahill, president, and Ernest R. Walter, vice president.

ALLEGED SHIPMENT: On or about December 3, 1946, from the State of Washington into the State of New Jersey.

LABEL, IN PART: "Penguin Brand Frozen Fresh Green Broccoli."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and worms.

DISPOSITION: June 15, 1948. Pleas of guilty having been entered, the corporation was fined \$250 and costs. Imposition of sentence was suspended as to the individual defendants and they were placed on probation for 6 months