

DISPOSITION: May 16, 1949. Default decrees of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS

14980. Action to enjoin and restrain the interstate shipment of cherry juice. U. S. v. Wesley Orbaker. Consent decree granting injunction. (Inj. No. 200).

COMPLAINT FILED: October 4, 1948, Western District of New York, against Wesley Orbaker, Williamson, N. Y.

NATURE OF CHARGE: The defendant, Wesley Orbaker, had been and was at the time of filing the complaint, introducing and delivering for introduction into interstate commerce at Williamson, N. Y., cherry juice which was adulterated in violation of Section 402 (a) (3), in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, such as decayed fruit material; and, Section 402 (a) (4), in that it had been prepared and held under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the filthy, putrid, or decomposed substance of which the product consisted in whole or in part, was derived from rotten, decayed, moldy, and wholly or partly fermented cherries, which were pressed by the defendant to obtain cherry juice. The insanitary conditions in which the product had been prepared, arose out of the presence of vinegar flies and other insects in the defendant's plant where the cherry juice was prepared, and in the machinery and equipment used.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: October 21, 1948. The defendant having consented to the entry of a decree, judgment was entered enjoining the defendant from introducing or delivering, or causing the introduction or delivery of, for introduction into interstate commerce, cherry juice which was in violation of the Federal Food, Drug, and Cosmetic Act.

14981. Adulteration of fig paste. U. S. v. Frederick Ernest Hadley (F. E. Hadley & Sons), and F. Edward Hadley. Pleas of nolo contendere. Frederick Ernest Hadley fined \$500 and F. Edward Hadley fined \$250. (F. D. C. No. 26754. Sample No. 37927-K.)

INFORMATION FILED: April 19, 1949, Southern District of California, against Frederick Ernest Hadley, trading as F. E. Hadley & Sons, Merced, Calif., and F. Edward Hadley.

ALLEGED SHIPMENT: On or about September 10, 1948, from the State of California into the State of Washington.

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

DISPOSITION: April 25, 1949. Pleas of nolo contendere having been entered, Frederick Ernest Hadley was fined \$500 and F. Edward Hadley was fined \$250.

14982. Adulteration of apple pomace. U. S. v. 737 Bags * * *. (F. D. C. No. 27000. Sample No. 10166-K.)

LABEL FILED: April 12, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about February 14, 1949, by Adams Apple Products, from Bendersville, Pa.

PRODUCT: 737 bags, containing a total of approximately 40,000 pounds, of apple pomace at Whippany, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hairs.

DISPOSITION: June 7, 1949. Default decree of condemnation and destruction.

14983. Adulteration of grapefruit. U. S. v. 107 Boxes * * *. (F. D. C. No. 26851. Sample No. 29054-K.)

LABEL FILED: March 14, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about March 5, 1949, by M & W Fruit Co., from Pharr, Tex.

PRODUCT: 107 boxes of grapefruit at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food because of dryness, due to frost damage.

DISPOSITION: May 3, 1949. Default decree of condemnation and destruction.

14984. Adulteration of olives. U. S. v. 25 Kegs * * *. (F. D. C. No. 26988. Sample No. 10853-K.)

LABEL FILED: April 11, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about January 25, 1949, by the Corning Warehouse & Olive Products Co., from Corning, Calif.

PRODUCT: 25 kegs of olives at New York, N. Y.

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

DISPOSITION: April 29, 1949. Default decree of condemnation and destruction.

14985. Adulteration and misbranding of strawberry jam. U. S. v. 25 Cases * * *. (F. D. C. No. 27010. Sample No. 48368-K.)

LABEL FILED: April 19, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 7, 1949, by the National Syrup Products Co., from Chicago, Ill.

PRODUCT: 25 cases, each containing 24 1-pound jars, of strawberry jam at Philadelphia, Pa.

LABEL, IN PART: (Jar) "National Brand Strawberry Fruit Spread."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in strawberries and containing artificial color, added water, and added sugar had been substituted in whole or in part for strawberry jam, which the product purported to be; and, Section 402 (b) (4), artificial color had been added to the product and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (g) (1), the product purported to be strawberry jam and failed to conform to the definition and standard of identity for strawberry jam since it was made from a mixture composed of less than 45 parts by weight of the strawberry ingredient to each 55 parts by weight of one of the saccharine ingredients and since it contained added water and artificial color, which are not permitted as optional ingredients of strawberry jam.