

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the products purported to be fruit jams, foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to such definitions and standards of identity since they were made from mixtures composed of less than 45 parts by weight of the fruit ingredients (strawberry, blackberry, apricot, pineapple-apricot, or peach, respectively) to each 55 parts by weight of one of the optional sweetening ingredients specified in the definitions and standards; their soluble-solids content was less than 68 percent; and the strawberry fruit spread contained artificial color, which is not permitted as an ingredient of strawberry jam by such definition and standard.

**DISPOSITION:** April 20, 1952. Leverton & Co., claimant, having admitted the essential allegations in the libel, judgment of condemnation was entered and the court ordered that the products be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**19726. Misbranding of fruit spread. U. S. v. 3 Cases, etc. (F. D. C. No. 33486. Sample Nos. 54414-L, 54415-L.)**

**LIBEL FILED:** July 25, 1952, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about July 23, 1951, and April 4, 1952, by the Milwaukee Preserve and Flavor Co., from Milwaukee, Wis.

**PRODUCT:** 3 cases, each containing 12 2-pound jars, of strawberry spread, and 9 cases, each containing 12 2-pound jars, of raspberry spread at Iron River, Mich.

**LABEL, IN PART:** "Top Hat Spread Strawberry [or "Raspberry"]."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the products purported to be and were represented as strawberry jam and red raspberry jam, and they failed to conform to the definitions and standards of identity for such jams since they were made from a mixture composed of less than 45 parts by weight of the fruit ingredients to each 55 parts by weight of the saccharine ingredients; the soluble-solids content was less than 68 percent; and they contained artificial color, which is not permitted as an optional ingredient.

**DISPOSITION:** September 3, 1952. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution.

**19727. Adulteration and misbranding of strawberry jelly. U. S. v. 14 Cases \* \* \*. (F. D. C. No. 34156. Sample No. 17544-L.)**

**LIBEL FILED:** November 21, 1952, District of Arizona.

**ALLEGED SHIPMENT:** On or about August 1, 1952, by Certified Grocers of California, Ltd., from Los Angeles, Calif.

**PRODUCT:** 14 cases, each containing 12 20-ounce jars, of strawberry jelly at Phoenix, Ariz.

**LABEL, IN PART:** "Old Tavern Pure Strawberry Jelly \* \* \* Packed By Kremer Foods Los Angeles, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product deficient in fruit juice had been substituted for strawberry jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for strawberry jelly since it contained less than 45 parts by weight of the fruit juice ingredient (strawberry) to each 55 parts by weight of the saccharine ingredient.

**DISPOSITION:** January 23, 1953. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

**19728. Adulteration and misbranding of preserves. U. S. v. 17 Cases, etc.** (F. D. C. No. 33267. Sample Nos. 54037-L to 54039-L, incl.)

**LIBEL FILED:** May 26, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about April 28, 1952, by the Mitchell Syrup & Preserve Co., from Detroit, Mich.

**PRODUCT:** 74 cases, each containing 12 2-pound jars, of preserves at Chicago, Ill.

**LABEL, IN PART:** "Dainty Lunch Brand Pure Apple Blackberry [or "Apple Raspberry" or "Apple Strawberry"] Preserves."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), products deficient in fruit had been substituted for apple-strawberry, apple-blackberry, and apple-raspberry preserves.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for apple-strawberry preserves, apple-blackberry preserves, and apple-raspberry preserves since they were made from mixtures composed of less than 45 parts by weight of the fruit ingredients (apple-strawberry, apple-blackberry, or apple-raspberry) to each 55 parts by weight of the sweetening ingredients specified in the definitions and standards.

**DISPOSITION:** September 16 and 19, 1952. Default decree of condemnation. The court ordered that the products be delivered to charitable institutions.

**19729. Misbranding of strawberry preserves and blackberry preserves. U. S. v. 9 Cases, etc.** (F. D. C. No. 33705. Sample Nos. 29349-L, 29350-L.)

**LIBEL FILED:** September 22, 1952, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about August 20, 1952, by the Oswego Jelly Co., from Oswego, Oreg.

**PRODUCT:** 9 cases of strawberry preserves and 9 cases of blackberry preserves at Spokane, Wash. Each case contained 24 12-ounce jars of preserves.

**LABEL, IN PART:** (Jars) "Oregon Hills Brand Pure Strawberry [or "Mountain Wild Blackberry"] Preserves."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for strawberry and blackberry preserves prescribed by the regulations promulgated under Section 401 since the definitions and standards provide that mixtures containing the optional ingredients of strawberry preserves and blackberry preserves be concentrated by heat to such point that the soluble-solids content of the finished preserves is not less than 68 percent, whereas the soluble-solids content of the articles was less than 68 percent.

**DISPOSITION:** November 12, 1952. A default decree of condemnation was entered, and the court ordered that the products be distributed to a charitable organization.

**19730. Adulteration of strawberry preserves. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 34211. Sample No. 67116-L.)**

**LIBEL FILED:** November 17, 1952, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about September 20, 1952, by Leverton & Co., from Houston, Tex.