

relabeling under the supervision of the Department of Health, Education, and Welfare.

20468. Misbranding of canned cherries. U. S. v. 240 Cases * * *. (F. D. C. No. 35332. Sample No. 41056-L.)

LABEL FILED: June 24, 1953, District of Montana.

ALLEGED SHIPMENT: On or about December 3, 1952, by Varney Canning, Inc., from Roy, Utah.

PRODUCT: 240 cases, each containing 24 1-pound, 3-ounce cans, of cherries at Great Falls, Mont.

LABEL, IN PART: (Can) "Leota Brand Red Sour Pitted Cherries Packed in Water."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for pitted canned cherries because of an excessive number of pits and because an excessive number of cherries were blemished with skin discoloration, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: September 8, 1953. Varney Canning, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

JAMS, JELLIES, AND PRESERVES

20469. Adulteration of jelly. U. S. v. 52 Cases * * *. (F. D. C. No. 34934. Sample No. 53193-L.)

LABEL FILED: On or about April 9, 1953, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 25 and November 22, 1952, by Colonial Mfg. Co., Inc., from Oklahoma City, Okla.

PRODUCT: 52 cases, each containing 24 12-ounce jars, of assorted jelly at Springfield, Mo.

LABEL, IN PART: (Jar) "Milligan Leader Pure Apple Black Raspberry [or "Apple Strawberry" or "Apple Grape"] Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), articles containing artificial color had been substituted for apple-black raspberry jelly, apple-strawberry jelly, and apple-grape jelly.

DISPOSITION: June 1953. A default decree was entered providing for the delivery of the products to a charitable organization.

20470. Misbranding of jelly. U. S. v. 16 Cases, etc. (F. D. C. No. 34933. Sample Nos. 53191-L, 53192-L, 53209-L, 53210-L.)

LABEL FILED: On or about April 9, 1953, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 24, 1952, and March 7, 1953, from Oklahoma City, Okla., by Colonial Mfg. Co., Inc.

PRODUCT: 16 cases, each containing 12 2-pound-size jars, and 49 cases, each containing 24 12-ounce-size jars, of apple-black raspberry jelly; 5 cases, each containing 24 12-ounce-size jars, of apple jelly; and 48 cases, each containing 12 2-pound-size jars, of assorted apple-strawberry, apple-black raspberry, and apple-grape jelly at Springfield, Mo.

LABEL, IN PART: (Jar) "Colonial Pure Apple-Black Raspberry Jelly," "Colonial Pure Apple Jelly," "Colonial Pure Apple-Strawberry [or "Apple-Black Raspberry" or "Apple-Grape"] Jelly."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles in the 16-case lot, 5-case lot, and 48-case lot failed to bear labels containing an accurate statement of the quantity of the contents since the label statements (16- and 48-case lots) "Net Weight 2 Lbs." and (5-case lot) "Net Weight 12 Oz." were inaccurate. (Examination showed that the articles in such lots were short weight.)

Further misbranding, Section 403 (g) (1), the articles in the 16-case lot, 48-case lot, and 49-case lot failed to conform to the definitions and standards of identity for fruit jelly since such articles contained added artificial color, which is not permitted as an ingredient of fruit jelly in the definitions and standards.

DISPOSITION: June 3, 1953. A default decree was entered providing for the delivery of the products to charitable institutions.

20471. Misbranding of peach preserves, strawberry preserves, and grape jam.
U. S. v. 100 Cases, etc. (F. D. C. No. 35403. Sample Nos. 62594-L to 62596-L, incl.)

LABEL FILED: August 27, 1953, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 28 and April 21, 1953, by Colonial Mfg. Co., Inc., from Oklahoma City, Okla.

PRODUCT: 100 cases of peach preserves, 36 cases of strawberry preserves, and 135 cases of grape jam at Pine Bluff, Ark. Each case contained 12 2-pound-size jars.

LABEL, IN PART: (Jar) "Mrs. Wilkes' * * * Pure Peach Preserves [or "Pure Strawberry Preserves" or "Pure Grape Jam"]."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles failed to bear labels containing an accurate statement of the quantity of the contents since the label statements "Net Weight 2 Lbs." or "Net Wt. 2 Lbs." were inaccurate. (Examination showed that the articles were short weight.)

Further misbranding, Section 403 (g) (1), the articles purported to be and were represented as fruit preserves, foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to such definitions and standards since the articles had not been concentrated by heat to such point that their soluble-solids were not less than 65 percent with respect to the peach preserves and not less than 68 percent with respect to the strawberry preserves and grape jam.

DISPOSITION: September 25, 1953. Colonial Mfg. Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

MISCELLANEOUS FRUIT PRODUCTS

20472. Adulteration of grape nectar. U. S. v. 236 Cases * * *. (F. D. C. No. 32896. Sample No. 21879-L.)

LABEL FILED: March 21, 1952, Northern District of Texas.

ALLEGED SHIPMENT: On or about October 5, 1951, by Butterfield Canning Co., Inc., from Warren, Ind.