

LABEL, IN PART: (Can) "Samary Brand Pitted Water Pack Red Sour Cherries * * * Contents 6 Lbs. 7 Ozs. Packed By Samary Food Products Coopersville, Mich."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for pitted canned cherries since more than 1 pit was present in each 20 ounces of canned cherries, the maximum permitted by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: June 2, 1954. Default decree of condemnation. The court ordered that the product be turned over to a Federal institution for its use.

JAMS, JELLIES, AND PRESERVES

21434. Adulteration of strawberry jam. U. S. v. 21 Cases * * *. (F. D. C. No. 35940. Sample No. 74277-L.)

LABEL FILED: October 28, 1953, Southern District of California.

ALLEGED SHIPMENT: On or about July 13, 1953, from Odense, Denmark.

PRODUCT: 21 cases, each containing 24 16-ounce jars, of strawberry jam at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 25, 1953. Default decree of condemnation and destruction.

21435. Misbranding of fruit jellies. U. S. v. Colonial Mfg. Co., Inc., and Leamon T. Wilkes. Pleas of guilty. Fine of \$1,400 against corporation and \$700 against individual. (F. D. C. No. 35185. Sample Nos. 53191-L, 53193-L, 53210-L, 62541-L, 62542-L.)

INDICTMENT RETURNED: February 8, 1954, Western District of Oklahoma, against Colonial Mfg. Co., Inc., Oklahoma City, Okla., and Leamon T. Wilkes, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of September 24, 1952, and March 7, 1953, from the State of Oklahoma into the States of Missouri and Arkansas.

LABEL, IN PART: (Jar) "Colonial Pure Apple-Black Raspberry Jelly Net Weight 2 Lbs. [or "12 Oz."] Manufactured by Colonial Manufacturing Co., Inc. Oklahoma City, Okla."; "Milligan Leader Pure Apple-Black Raspberry [or "Apple-Grape" or "Apple-Strawberry"] Jelly Net Wt. 12 Ozs. Distributed By G. D. Milligan Grocer Co. Springfield, Mo."; "Net Weight 12 Oz. Zestee Pure Apple-Grape [or "Apple-Strawberry"] Jelly Manufactured by Colonial Manufacturing Company, Inc. Oklahoma City, Okla."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for fruit jellies since the articles were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredients to each 55 parts by weight of one of the optional saccharine ingredients, and the articles failed also to conform to the definitions and standards of identity since they contained artificial coloring, which is not permitted by the definitions and standards as an optional ingredient of the jellies involved.

Further misbranding, Section 403 (e) (2), a portion of the apple-black raspberry jelly failed to bear a label containing an accurate statement of the quantity of the contents in that the label statement "Net Weight 2 Lbs." was inaccurate since the jars of the article contained less than two pounds.

DISPOSITION: February 17, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$1,400 and the individual \$700.

21436. Misbranding of fruit preserves and fruit jellies. U. S. v. St. Joseph Foods, Inc. Plea of nolo contendere. Fine, \$700. (F. D. C. No. 35151. Sample Nos. 43876-L, 43877-L, 43881-L, 43882-L, 43890-L, 43892-L to 43895-L, incl.)

INFORMATION FILED: November 20, 1953, Western District of Missouri, against St. Joseph Foods, Inc., St. Joseph, Mo.

ALLEGED SHIPMENT: On or about July 25, August 9, September 15, and October 13 and 27, 1952, from the State of Missouri into the State of Nebraska.

LABEL, IN PART: (Jar) "Albert's Finest Pure Red Cherry [or "Peach" or "Pineapple"] Preserves Net Wt. 12 Ozs. Louis Albert & Son Food Co., Omaha, Nebr." and "Albert's Finest Pure Black Raspberry [or "Grape," "Strawberry," or "Red Raspberry"] Jelly Net Wt. 12 Ozs. Louis Albert & Son Food Co. Omaha, Nebr."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles, with the exception of the black raspberry jelly, failed to bear labels containing accurate statements of the quantity of the contents. (Examination showed that the articles, with the exception of the black raspberry jelly, were short weight.)

Further misbranding, Section 403 (g) (1), the articles, with the exception of the grape jelly, failed to conform to the definitions and standards of identity for fruit preserves and jellies. The red cherry preserves and pineapple preserves had a soluble-solids content of less than 68 percent, the minimum permitted by the definitions and standards for such preserves; and the peach preserves had a soluble-solids content of less than 65 percent, which is the minimum permitted by the definition and standard of identity for peach preserves. The jellies, with the exception of the grape jelly, contained smaller amounts of the fruit juice ingredients than is permitted by the definitions and standards for jellies in that the jellies, with the exception of the grape jelly, were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the optional saccharine ingredients.

DISPOSITION: March 15, 1954. The defendant having entered a plea of nolo contendere, the court fined it \$700.

21437. Adulteration and misbranding of fruit preserves. U. S. v. 3 Cases, etc. (F. D. C. No. 36167. Sample Nos. 78838-L to 78840-L, incl.)

LIBEL FILED: December 3, 1953, Western District of Kentucky.

ALLEGED SHIPMENT: On or about August 13 and 14, 1953, by the G. W. Bagwell Preserving Co., from Chattanooga, Tenn.

PRODUCT: 3 cases, each containing 24 12-ounce jars, of grape preserves, 9 cases, each containing 24 12-ounce jars, of seedless raspberry preserves, and 18 cases, each containing 24 12-ounce jars, of pineapple preserves at Owensboro, Ky.