4449. Adulteration of yellow split peas. U. S. v. 221 Bags of Yellow Split Peas. Consent decree of condemnation. Product ordered released under bond for washing and segregation and destruction of the unfit portion. (F. D. C. No. 8323. Sample No. 17960–F.)

On September 9, 1942, the United States attorney for the Southern District of New York filed a libel against 221 60-pound bags of yellow split peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 30, 1940, from Port Huron, Mich., for the packer, the Trinidad Bean & Elevator Co., Denver, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 5, 1942, the Raymond-Hadley Corporation, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for washing and cleaning, and causing the peas that were wormy, moldy and otherwise unfit, to be segregated and destroyed, under the supervision of the Food and Drug Administration.

JAMS AND JELLIES

4450. Adulteration and misbranding of jams. U. S. v. Charles F. Below Co. Plea of nolo contendere. Fine, $50 and costs. (F. D. C. No. 7701. Sample Nos. 91295–E to 91297–E, incl.)

These products were deficient in fruit. The raspberry and strawberry flavors were insufficiently concentrated; the cherry and strawberry flavors were short weight.

On November 5, 1942, the United States attorney for the Northern District of Ohio filed an information against the Charles F. Below Co., a corporation, Vermilion, Ohio, alleging shipment on or about April 9, 1942, from the State of Ohio into the State of Michigan of quantities of jams that were adulterated and misbranded. The articles were labeled in part: "Square B Brand * * * Apple Raspberry [or "Cherry" or "Strawberry"] Pure Fruit Jam Packed By Square-B Foods Vermilion, O."

The articles were alleged to be adulterated in that imitation jams, deficient in fruit and, with the exception of the cherry flavor, insufficiently concentrated by heat, had been substituted wholly or in part for apple raspberry jam, apple cherry jam, and apple strawberry jam, foods for which definitions and standards of identity had been promulgated pursuant to law which they purported and were represented to be.

They were alleged to be misbranded (1) in that the statements "Apple Raspberry * * * Jam," "Apple Cherry * * * Jam," "Apple Strawberry * * * Jam," borne on the labels, were false and misleading; (2) in that they were imitation jams and their labels did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that they purported to be and were represented as foods for which definitions and standards of identity had been prescribed by regulations promulgated pursuant to law, but they failed to conform to such definitions and standards of identity since they had not been made from mixtures containing not less than 45 percent by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients, and since the apple raspberry and apple strawberry jams had not been concentrated by heat to such point that the soluble solids content of the finished jams was not less than 65 percent. The apple cherry jam and apple strawberry jam were alleged to be misbranded further in that they were foods in package form and their labels did not bear accurate statements of the quantity of the contents in terms of weight or measure.

On November 30, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50 and costs.

4451. Adulteration of Golden Lacqua and Lekvar. U. S. v. Max Ams, Inc., Plea of guilty. Fine $800. (F. D. C. No. 6492. Sample Nos. 42772–E, 74070–E, 74072–E, 74073–E, 74812–E.)

Insect fragments and rodent hairs were found in samples taken from these products.

On November 17, 1942, the United States attorney for the Southern District of New York filed an information against Max Ams, Inc., New York, N. Y., alleging shipment within the period from on or about September 3 to on or about September 25, 1941, from the State of New York into the States of Pennsylvania, Connecticut, and New Jersey of quantities of Golden Lacqua and Lekvar which were adulter-

ated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Blue Pails * * * Golden Lacqua," "Blue Pail * * * Golden Lacqua Fruit Butter," or "Special Baker's Lekvar."

On November 20, 1942, the defendant entered a plea of guilty and the court imposed a fine of $800.

4452. Adulteration and misbranding of blackberry jam. U. S. v. 165 Cases of Blackberry Jam. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8134. Sample Nos. 6003-F, 6021-F.)

On August 20, 1942, the United States attorney for the Western District of Tennessee filed a libel against 165 cases, each containing 6 No. 10 cans, of an article labeled in part "World Over Brand Pure Blackberry Jam," alleging that the article had been shipped in interstate commerce on or about June 18, 1942, by Leverton & Co. from Alvin, Tex.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a substance deficient in fruit had been substituted wholly or in part for pure blackberry jam as that food is defined in the regulations prescribing definitions and standards of identity promulgated under the law.

It was alleged to be misbranded (1) in that the name "Pure Blackberry Jam," borne on the label, was false and misleading as applied to an article deficient in fruit; (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations pursuant to law and it failed to conform to such definition and standard since it did not contain the amount of fruit specified therein.

On September 28, 1942, Leverton & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4453. Adulteration and misbranding of black raspberry jam. U. S. v. 11⅓ Dozen Jars of Black Raspberry Seedless. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 8241. Sample No. 19423-E.)

On August 24, 1942, the United States attorney for the District of Rhode Island filed a libel against 11⅓ dozen jars of a product labeled in part: "Mactavish * * * Black Raspberry Seedless," alleging that the article had been shipped in interstate commerce on or about July 14, 1942 from Long Island City, N. Y., by Mactavish Preserves Co., Inc., and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that imitation black raspberry jam had been substituted in whole or in part for black raspberry jam which it purported to be.

It was alleged to be misbranded (1) in that the following statements on the jar label: "Black Raspberry Seedless Contains only selected wholesome fruit and cane sugar. 1 pound net" were false and misleading, since the article was not black raspberry jam and contained other ingredients than fruit and cane sugar and the jar did not contain 1 pound net; (2) in that was an imitation of another food, namely black raspberry jam, and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; (3) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents; and (4) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and it failed to conform to such definition and standard, since it had not been concentrated by heat to such point that its soluble solids content was not less than 68 percent, as provided by regulation and since its label did not bear the name of the food as specified in such regulation.

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to public or charitable institutions.