

The articles were alleged to be adulterated in that imitation jellies deficient in fruit and insufficiently concentrated had been substituted wholly or in part for apple raspberry jelly, apple strawberry jelly, apple cherry jelly, and apple grape jelly, foods for which a definition and standard of identity had been promulgated pursuant to law.

They were alleged to be misbranded (1) in that the statements, "Apple Raspberry Jelly," "Apple Strawberry Jelly," "Apple Cherry Jelly," and "Apple Grape Jelly," borne on the labels were false and misleading since the articles did not meet the definition and standard of identity for jellies; (2) in that they were imitations of other foods 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 a definition and standard of identity had been prescribed by regulations promulgated pursuant to law but they failed to conform to such definition and standard since they had not been made from mixtures containing not less than 45 percent by weight of one of the fruit ingredients to each 55 parts by weight of one of the saccharine ingredients specified in such regulations, and since they had not been concentrated by heat to such a point that the soluble solids content of the finished jellies was not less than 65 percent.

On May 10, 1943, a plea of guilty having been entered, the court imposed a fine of \$100.

4670. Adulteration of blackberry preserves. U. S. v. 62 Cases of Blackberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 7808. Sample No. 83927-E.)

This product contained maggots and mold.

On June 25, 1942, the United States attorney for the Southern District of Alabama filed a libel against 62 cases, each case containing 24 jars, of blackberry preserves at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about March 31 and May 6, 1942, by Leverton & Co., from Houston, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed and filthy substance. The article was labeled in part: (Jars) "World Over Pure Blackberry Preserves."

On January 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4671. Adulteration of pickled grapefruit rind. U. S. v. 25 Cases of Grapefruit Rind. Default decree of condemnation and destruction. (F. D. C. No. 7441. Sample No. 86747-E.)

This product contained insect fragments and rodent-like hairs and was also short of the declared weight.

On May 7, 1942, the United States attorney for the Northern District of Illinois filed a libel against 25 cases, each containing 12 jars, of grapefruit rind at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 18, 1942, by Golden West Products Co. from Los Angeles, Calif. The article was labeled in part: "Monarch Double Sweet Grapefruit Rind Pickled Fruit Murdoch & Co. Distributors, Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that the statement "Contents 1 pt. 4 oz." borne on the label was false and misleading as applied to an article that was short weight, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On September 17, 1942, the claimant having failed to file an answer, the product was ordered condemned and destroyed.

4672. Adulteration and misbranding of Whip-Prune. U. S. v. California Prune and Apricot Growers Association. Plea of guilty. Fine, \$750. (F. D. C. No. 8761. Sample Nos. 10582-F, 10583-F, 10602-F.)

This product contained hairs resembling rodent hairs and one shipment also contained insect fragments.

On January 11, 1943, the United States attorney for the Northern District of California filed an information against the California Prune and Apricot Growers Association, a corporation, at San Jose, Calif., alleging shipment on or about July 8 and July 28, 1942, from the State of California into the State of Texas and the District of Columbia of quantities of Whip-Prune that was adulterated and misbranded. The article was labeled in part: "Sunsweet Whip-Prune For Quick Prune Whip * * * A Pure Prune Product."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. It was alleged to be misbranded in that the statement "A Pure Prune Product" borne on the label was false and misleading since the statement represented the article as a pure prune product and it was impure by reason of the presence of hairs resembling rodent hairs and, in one of the shipments, of insect fragments.

On January 29, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$750.

4673. Adulteration and misbranding of Whip-Prune. U. S. v. 499 Cases, 24 Cases, and 49 Cases of Whip-Prune. Decrees of condemnation and destruction. (F. D. C. Nos. 8029, 8111, 8112. Sample Nos. 10582-F, 10583-F, 10602-F.)

This product contained rodent-type hairs and one shipment also contained insect fragments.

On August 4 and 14, 1942, the United States attorneys for the District of Columbia and the Southern District of Texas filed libels against 499 cases of Whip-Prune at Washington, D. C., and 73 cases of Whip-Prune at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about July 18 and 29, 1942, by the California Prune & Apricot Growers Association from San Jose, Calif. The article was labeled in part: (Jars) "Sun Sweet Whip-Prune for Quick Prune Whip A Pure Prune Product."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. It was alleged to be misbranded in that the statement "A Pure Prune Product" was false and misleading as applied to a filthy product.

On September 17 and October 12, 1942, no claimant having appeared for the goods seized at Houston, and the sole intervenor for the goods seized at Washington having withdrawn its claim and consented to the entry of a decree, judgments of condemnation were entered and the product was ordered destroyed.

4674. Adulteration of white fig paste. U. S. v. 272 Cases of White Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 8415. Sample No. 4281-F.)

Samples of this product were found to contain rodent hairs, weevils, beetles, insect fragments, larvae, flies, and mites.

On September 24, 1942, the United States attorney for the Northern District of Ohio filed a libel against 272 80-pound cases of white fig paste at Kenton, Ohio, alleging that the article had been shipped in interstate commerce on or about April 8, 1941, by S. S. Sorrenti from Escalon, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 29, 1942, the Runkle Co., Kenton, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

4675. Adulteration and misbranding of assorted fruits. U. S. v. 51 Boxes of Assorted Fruits. Default decree of condemnation and destruction. (F. D. C. No. 9378. Sample No. 32616-F.)

On February 20, 1943, the United States attorney for the Southern District of Indiana filed a libel against 51 24-ounce packages of assorted fruits at Terre Haute, Ind., alleging that the article had been shipped in interstate commerce on or about December 23, 1942, by the Golden Brand Nut Products, Inc., from New York, N. Y. The article was labeled in part: (Sticker on bottom of box) "The Finest Grown—Best Known Assorted Fruits 24 Ozs. Net."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance, and was otherwise unfit for food since the prune paste in the assortment contained larvae, insect fragments, pieces of prune pits, and was fermented and the soy beans, also in the assortment, were so hard as to be virtually inedible.

It was alleged to be misbranded in that the containers were so made, formed and filled as to be misleading because an empty space under a small tray contained in each box was not visible from the top, and also because very low-grade merchandise had been so packed that its quality was concealed and the appearance of the package was such as to imply fancy merchandise. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since it contained soy beans, which were not declared to be one of the ingredients.