

On November 23, 1942, the United States attorney for the District of Massachusetts filed a libel against 60 barrels, each containing 50 gallons, of frozen strawberries at Boston, Mass., alleging that the article had been shipped by the Cloverdale Cooperative Berry Association from Tacoma, Wash., on or about July 31, 1942; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 6, 1943, the Cloverdale Cooperative Berry Association, Kalama, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released upon deposit of cash collateral, conditioned upon the segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

5516. Adulteration of frozen red raspberries. U. S. v. Frigid Food Products, Inc. Plea of guilty. Fine, \$2,100. (F. D. C. No. 9634. Sample Nos. 89756-E, 89757-E, 1819-F, 1851-F, 1853-F, 1854-F, 1871-F.)

On June 7, 1943, the United States attorney for the Eastern District of Michigan filed an information against the Frigid Food Products, Inc., Detroit, Mich., alleging shipment on or about July 5, 1941, from the State of Michigan into the State of New York, and on or about July 17, 24 and 30 and August 4, 1942, from the State of Michigan into the State of Illinois of quantities of frozen red raspberries which were adulterated. The portion of the article shipped to New York on or about July 5, 1941, was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The remainder was alleged to be adulterated in that water had been substituted in part for red raspberries, which the product was represented to be; and in that water had been added thereto so as to increase its bulk or weight and reduce its quality.

On August 24, 1943, the defendant was arraigned and entered a plea of guilty to the first 5 counts which charged adulteration, based upon the presence of added water, and pleaded not guilty to the sixth count which charged adulteration because of decomposition. On January 11, 1944, however, the defendant appeared and changed his plea of not guilty on the sixth count to guilty. The court thereupon imposed a fine of \$350 on each count, a total of \$2,100.

MISCELLANEOUS FRUIT PRODUCTS

5517. Adulteration and misbranding of blackberry jam and strawberry preserves. U. S. v. 2 Cases of Blackberry Jam and 2 Cases of Strawberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 10061. Sample Nos. 42507-F, 42508-F.)

Analysis indicated that these products were insufficiently concentrated.

On June 16, 1943, the United States attorney for the Western District of Washington filed a libel against 4 cases, each containing 10 2-pound jars or 20 1-pound jars, of blackberry jam or strawberry preserves at Seattle, Wash., alleging that the articles had been shipped from Portland, Oreg., on or about May 12, 1943, by the Dickinson Co.; and charging that they were adulterated and misbranded. The articles were labeled in part: (Jars) "Dickinson's Pure Strawberry Preserves," or "Dickinson's Pure Seedless Blackberry Jam."

The articles were alleged to be adulterated in that an insufficiently concentrated mixture of fruit and sugar, which contained less soluble solids than required in the definition and standard of identity, prescribed in the regulations for preserves or jam, had been substituted in whole or in part for strawberry preserves and seedless blackberry jam.

They were alleged to be misbranded in that the names "Pure Strawberry Preserves" and "Pure Seedless Blackberry Jam" were false and misleading as applied to articles which failed to conform to the definition and standard of identity for preserves or jams; in that the articles were imitations of another food and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; and in that the articles purported to be a food for which a definition and standard of identity had been prescribed, and they failed to conform to such definition and standard.

On November 8, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.