

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed strawberries.

**DISPOSITION:** February 29, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS FRUIT PRODUCTS

**6324. Adulteration of apple butter. U. S. v. 631 Cases of Apple Butter (and 1 other seizure action against apple butter). Decree of condemnation. Product ordered released under bond.** (F. D. C. Nos. 11154, 11200. Sample Nos. 50455-F to 50458-F, incl., 50460-F.)

**LIBEL FILED:** November 19 and 29, 1943, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** From on or about September 30 to October 6, 1943, by the National Fruit Products Co., Inc., from Glassboro, N. J.

**PRODUCT:** 3,172 cases, each containing 12 jars, of apple butter at Philadelphia, Pa.

**LABEL IN PART:** (Jars) "Kiltie Brand \* \* \* Apple Butter Distributed by Alfred Lowry & Bro. Philadelphia, Pa.," "Tartan Apple Butter," or "Budget Brand \* \* \* Apple Butter \* \* \* Packed For Quaker City Grocery Co., Inc. Phila, Penna."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects, insect fragments, and decomposed apples.

**DISPOSITION:** April 17, 1944. The cases having been consolidated, and the National Fruit Products Co., Inc., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond to be used in the manufacture of industrial alcohol or animal feed, under the supervision of the Food and Drug Administration.

**6325. Misbranding of apple butter. U. S. v. 400 Cases of Apple Butter. Default decree of condemnation and destruction.** (F. D. C. No. 11944. Sample No. 47740-F.)

**LIBEL FILED:** March 2, 1944, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about December 29, 1943, by Fan C Foods, Inc., St. Louis, Mo.

**PRODUCT:** 400 cases, each containing 12 jars, of apple butter at Des Moines, Iowa.

**LABEL IN PART:** (Jar) "Shady Dell \* \* \* Apple Butter \* \* \* Net Wt. 2 Lbs. 6 Ozs."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "Net Wt. 2 Lbs. 6 Ozs.," on the label of the article, was false and misleading as applied to the article, which was short weight; Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and Section 403 (g) (1), it purported to be and was represented as apple butter, a food for which a definition and standard of identity has been prescribed by regulations, but it failed to conform to the definition and standard since the soluble solids content was less than 43 percent.

**DISPOSITION:** April 14, 1944. No claimant having appeared, and only one case of the product having been seized, judgment of condemnation was entered and the product was ordered destroyed.

**6326. Adulteration and misbranding of apple mixed fruit jelly. U. S. v. 39 Cases of Apple Mixed Fruit Jelly. Product ordered released under bond to be relabeled.** (F. D. C. No. 10406. Sample No. 12628-F.)

**LIBEL FILED:** On or about August 25, 1943, District of Montana.

**ALLEGED SHIPMENT:** On or about July 12, 1943, by the Hunt Brothers Packing Co., Puyallup, Wash.

**PRODUCT:** 39 cases, each containing 24 1-pound jars, of apple mixed fruit jelly at Great Falls, Mont.

Analysis indicated that the article was insufficiently cooked, since the soluble solids content of the finished jelly was less than 65 percent. Analysis also indicated the presence of apple, currant, and loganberry in the product, and that it contained an artificial coloring.