

**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.

**LABEL, IN PART:** (Jar) "Hunt's Supreme Quality Apple Mixed Fruit Jelly Artificially Colored \* \* \* Packed by Hunt Brothers Packing Co. Main Office San Francisco, Calif."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), an artificially colored, jelly-like product containing less soluble solids than required by the standard for mixed fruit jelly had been substituted in whole or in part for mixed fruit jelly, which the article purported to be.

Misbranding, Section 402 (a), the statement "Apple Mixed Fruit Jelly," which appeared on the label, was false and misleading as applied to an article of food insufficiently concentrated, since the soluble solids content of the finished jelly was less than 65 percent; Section 403 (c), the article was an imitation of another food, fruit jelly, and the label failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the name of the food imitated; Section 403 (g) (1), it purported to be fruit jelly, a food for which a definition and standard of identity has been prescribed by regulations promulgated pursuant to law, and it failed to conform to the definition and standard; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** October 20, 1943. Hunt Brothers Packing Co., claimant, having admitted the allegations of the libel, the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**6327. Adulteration of apricot paste. U. S. v. 30 Cartons of Apricot Paste. Consent decree of condemnation and destruction. (F. D. C. No. 10776. Sample No. 33499-F.)**

**LIBEL FILED:** September 17, 1943, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 16, 1942, by Jack Gomperts & Co., Reedley, Calif.

**PRODUCT:** 30 80-pound cartons of apricot paste at New York, N. Y.

**LABEL, IN PART:** "California Apricot Paste."

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

**DISPOSITION:** March 1, 1944. The consignee of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**6328. Adulteration of fig jam. U. S. v. 137 Cases of Fig Jam (and 2 other seizure actions against fig jam). Decree of condemnation. Product ordered released under bond to be used in wine or brandy making. (F. D. C. Nos. 11166 to 11168, incl. Sample Nos. 50471-F, 50472-F.)**

**LIBEL FILED:** November 23, 1943, Eastern District of Pennsylvania.

**ALLEGED SHIPMENTS:** On or about September 29, 1943, by the Beckwith Fig Co. from Alameda, Calif.

**PRODUCT:** 415 cases, each containing 6 No. 10 jars, of fig. jam at Philadelphia, Pa. Examination showed that the product was fermented.

**LABEL, IN PART:** (Jars) "Tux brand Fancy Kadota Fig Jam \* \* \* Distributed by George B. Vrooman, Inc. Philadelphia, Penna.," or "Parke's Brand \* \* \* Fancy Kadota Fig Jam \* \* \* L. H. Parke Company Distributors Philadelphia and Pittsburgh Penna."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 17, 1944. The cases having been consolidated and the Beckwith Fig Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be sold for use in wine or brandy making, under the supervision of the Food and Drug Administration.

**6329. Adulteration of fig paste. U. S. v. 780 Cartons of Fig Paste (and 2 other seizure actions against fig paste). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 10688, 12336, 12337. Sample Nos. 33979-F, 70483-F, 70495-F, 70496-F.)**

**LIBELS FILED:** On or about September 7, 1943, and May 16, 1944, Western District of New York and District of Oregon.