

Misbranding, Section 403 (a), the names "Apple Jelly," "Red Raspberry Jelly," "Strawberry Jelly," or "Blackberry Jelly," were false and misleading; Section 403 (b), they were offered for sale under the names of other foods; and, Section 403 (g) (1), the articles failed to conform to the definition and standard of identity since they were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients, they had not been concentrated by heat to such point that the soluble solids content was not less than 65 percent, and they contained added water and phosphoric acid or acid phosphate, which are not permitted as optional ingredients.

**DISPOSITION:** December 13, 1944. The Phillips Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**7303. Adulteration and misbranding of jelly. U. S. v. 20 Cases of Jellies. Default decree of condemnation. Product ordered delivered to a public institution.** (F. D. C. No. 13315. Sample Nos. 54852-F to 54854-F, incl.)

**LIBEL FILED:** August 11, 1944, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about October 28, 1943, by the Morgan Groceries Co., from Chicago, Ill.

**PRODUCT:** 18 cases, each containing 24 16-ounce jars, 1 case containing 22 12-ounce jars, and 1 case containing 22 16-ounce jars of jelly, at Milwaukee, Wis.

**LABEL, IN PART:** (Jars) "Lady Marie Pure Jellies Blackberry [or "Raspberry" or "Crabapple"] \* \* \* Lady Marie Preserving Co. Chicago, Ill."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (1), valuable constituents, fruit juices, had been in part omitted from the products; Section 402 (b) (2), products deficient in fruit juices, insufficiently concentrated, and containing added water and phosphoric acid or acid phosphate, had been substituted in whole or in part for blackberry, raspberry, and crabapple jelly, respectively. Blackberry jelly and crabapple jelly (16-ounce size only), Section 402 (b) (3), inferiority had been concealed through the use of artificial coloring; and Section 402 (b) (4), artificial coloring had been added and mixed and packed with the products so as to make them appear better and of greater value than they were.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for jellies since they were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard, they had not been concentrated by heat to such point that their soluble solids content was not less than 65 percent, and they contained added water and phosphoric acid or acid phosphate, which are not permitted as optional ingredients of fruit jellies; and, Section 403 (a), the names "Pure Jellies Blackberry [or "Raspberry" or "Crabapple"]," were false and misleading.

**DISPOSITION:** November 7, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a public institution.

**7304. Misbranding of vinegar. U. S. v. 49 Cases of Vinegar. Default decree of condemnation. Product ordered delivered to a charitable or public institution.** (F. D. C. No. 14134. Sample No. 73655-F.)

**LIBEL FILED:** On or about October 30, 1944, District of Oregon.

**ALLEGED SHIPMENT:** On or about September 11, 1944, by Old World Foods, Inc., from Los Angeles, Calif.

**PRODUCTS** 49 cases, each containing 12 bottles, of vinegar at Portland, Oreg.

**LABEL, IN PART:** (Bottles) "Twang distilled and wine vinegar \* \* \* Lombardi Products, Los Angeles, California."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement appearing on the label, "Distilled water added to make uniform acetic strength of 4½%," was false and misleading since the product contained less than the declared acetic acid strength; and, Section 403 (e) (2), it was food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "1 qt." was inaccurate.

**DISPOSITION:** On or about December 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable or public institution.

#### VEGETABLES

**7305. Adulteration of beans. U. S. v. 300 Bags of Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13395. Sample No. 58988-F.)**

**LABEL FILED:** August 29, 1944, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about October 14, 1943, from Amarillo, Tex.

**PRODUCT:** 300 100-pound bags of beans, at Richmond, Va., in possession of Wm. R. Hill & Co.

The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and contained rodent pellets and urine stains. Examination of samples showed that the article contained rodent excreta, rodent hairs, and insect fragments.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 16, 1944. Wm. R. Hill, trading as Wm. R. Hill & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured for use as animal feed, under the supervision of the Food and Drug Administration.

**7306. Adulteration of blackeye beans. U. S. v. 89 Bags of Blackeye Beans. Default decree of condemnation. Product ordered sold. (F. D. C. No. 14504. Sample No. 90073-F.)**

**LABEL FILED:** November 21, 1944, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 4, 1944, by the Woolner Sales Corporation, from Indianapolis, Ind.

**PRODUCT:** 89 100-pound bags of blackeye beans, at St. Louis, Mo.

**LABEL, IN PART:** "California Blackeyes."

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

**DISPOSITION:** December 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, under the direction of the Federal Security Agency, to be used for purposes other than human consumption.

**7307. Misbranding of canned green beans. U. S. v. 139 Cases of Green Beans. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13438. Sample No. 71757-F.)**

**LABEL FILED:** August 29, 1944, District of Idaho.

**ALLEGED SHIPMENT:** On or about December 7, 1943, by the Blue Lake Producers Cooperative, from Salem, Oreg.

**PRODUCT:** 139 cases, each containing 24 1-pound, 3-ounce cans, of cut green beans, at Lewiston, Idaho.

**LABEL, IN PART:** "Marion Brand Pieces Cut Green Beans."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the vignette of a dish containing middle cuts of green beans, and the term, "Pieces Cut Green Beans," were misleading as applied to the article, which was a by-product consisting mainly of end cuts and tips of string beans.

**DISPOSITION:** October 5, 1944. A decree of condemnation was entered, and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.