

8926. Adulteration of frozen red currants. U. S. v. 133 Barrels of Frozen Red Currants. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15699. Sample No. 30834-H.)

LIBEL FILED: March 26, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about February 15, 1945, by Joseph Nardone, from Highland, N. Y.

PRODUCT: 133 barrels, each containing 350 pounds, of frozen red currants at Los Angeles, Calif. Examination showed that the product had fermented.

LABEL, IN PART: "Red Currants * * * Geo. W. Haxton & Son."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 10, 1945. Dixie Preserves, Ltd., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use in the manufacture of wine, under the supervision of the Food and Drug Administration.

8927. Adulteration of blackberry jam. U. S. v. 24 Cases of Blackberry Jam. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 15731. Sample No. 321-H.)

LIBEL FILED: On or about March 28, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 23, 1944, by the T. W. Garner Food Co., from Winston-Salem, N. C.

PRODUCT: 24 cases, each containing 24 1-pound jars, of blackberry jam at Jasper, Fla.

LABEL, IN PART: "Garner's Pure Blackberry Jam."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

8928. Adulteration and misbranding of jelly. U. S. v. A. D. S. Food Products Co. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 12574. Sample No. 30213-H.)

INFORMATION FILED: January 11, 1945, Northern District of California, against the A. D. S. Food Products Co., a partnership, San Francisco, Calif.

ALLEGED SHIPMENT: On or about December 11, 1943, from the State of California into the State of Texas.

LABEL, IN PART: "Remember Brand Pure Apple [or "Raspberry," "Blackberry," "Loganberry," or "Currant"] Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, apple juice, raspberry juice, blackberry juice, loganberry juice, and currant juice, respectively, had been in part omitted or abstracted from the products.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definition and standard of identity for jellies since they had been made from mixtures containing less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the optional saccharine ingredients specified in the regulations.

DISPOSITION: August 20, 1945. A plea of nolo contendere having been entered, a fine of \$200 was imposed.

8929. Adulteration and misbranding of raspberry-peach filling. U. S. v. 4 Barrels of Raspberry-Peach Filling. Consent decree of condemnation. Product ordered sold. (F. D. C. No. 9887. Sample No. 20012-F.)

LIBEL FILED: On or about May 4, 1943, District of Maine.

ALLEGED SHIPMENT: On or about April 5, 1943, by Stack and Carew, Inc., from Boston, Mass.

PRODUCT: 4 552-pound barrels of raspberry-peach filling at Biddeford, Maine.

LABEL, IN PART: "Princess Brand Raspberry-Peach Filling."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, raspberry, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially colored mixture containing added raspberry seeds, but little or no raspberry fruit, had been substituted for raspberry-peach filling; Section 402 (b) (3), inferiority had been concealed by the addition of artificial

color and raspberry seeds; and, Section 402 (b) (4), artificial color and raspberry seeds had been added to the article or mixed or packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the statement "Raspberry-Peach Filling" was false and misleading.

DISPOSITION: August 12, 1943. The claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered sold for use in making pies. It was to be labeled "imitation raspberry filling."

8930. Adulteration of black raspberry puree. U. S. v. 19 Barrels of Black Raspberry Puree. Default decree of condemnation and destruction. (F. D. C. No. 14693. Sample No. 96398-F.)

LIBEL FILED: December 6, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 13, 1944, by the Producers Service Corporation, from Benton Harbor, Mich.

PRODUCT: 19 400-pound barrels of black raspberry puree at Chicago, Ill. Examination disclosed that the product contained moldy berries.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8931. Misbranding of pear vinegar. U. S. v. 15 Cases of Pear Vinegar. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15723. Sample No. 30811-H.)

LIBEL FILED: March 20, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about January 17, 1945, by the Perrymead Products Co., Los Angeles, Calif.

PRODUCT: 15 cases, each containing 12 bottles, of pear vinegar at New York, N. Y. Examination showed that the article was short-volume.

LABEL, IN PART: (Bottle label) "Perrymead Pear Vinegar [blown in bottle] $\frac{1}{2}$ Quart."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

8932. Adulteration of wine vinegar. U. S. v. 3 Barrels of Wine Vinegar. Default decree of condemnation and destruction. (F. D. C. No. 15735. Sample No. 5947-H.)

LIBEL FILED: March 22, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about October 7, 1944, by E. Barbero, Union City, N. J.

PRODUCT: 3 49-gallon barrels of wine vinegar at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially colored mixture of wine vinegar and distilled vinegar had been substituted in whole or in part for pure wine vinegar, which the product was represented to be; Section 402 (b) (3), inferiority had been concealed by the addition of artificial color; and, Section 402 (b) (4), distilled vinegar and artificial color had been mixed and packed with the product so as to reduce its quality or strength and make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the name "Pure Wine Vinegar" was false and misleading as applied to the product.

DISPOSITION: April 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VEGETABLES

8933. Adulteration of beans. U. S. v. 163 Bags of Beans. Default decree of condemnation and destruction. (F. D. C. No. 15673. Sample No. 9323-H.)

LIBEL FILED: March 26, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about February 2, 1945, by the Michigan Elevator Exchange, from Port Huron, Mich.