

JAMS, JELLIES, AND PRESERVES

10307. Adulteration and misbranding of jam. U. S. v. Fred M. Goldsmith and Ludwig Wolf (Mactavish Preserves Co.). Plea of guilty. Fine, \$3,600. (F. D. C. No. 15560. Sample Nos. 52715-F, 52736-F, 88040-F, 88041-F, 88202-F, 88341-F.)

INFORMATION FILED: March 6, 1946, Eastern District of New York, against Fred M. Goldsmith and Ludwig Wolf, individuals, trading as the Mactavish Preserves Co., Brooklyn, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of June 5 and August 11, 1944, from the State of New York into the States of Massachusetts and Rhode Island.

PRODUCT: These products all contained less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the standards. The red raspberry jam contained added water, and a portion had not been concentrated by heat to such point that it contained at least 68 percent of soluble solids, which portion also contained added phosphoric acid or acid phosphate. One lot of the strawberry jam was also insufficiently concentrated, and another lot also contained added water.

LABEL, IN PART: "Mactavish Pure Red Raspberry [or "Strawberry," or "Apricot"] Jam."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products deficient in fruit, portions of which failed in other respects to conform with the definitions and standards, had been substituted for standard jams.

Misbranding, Section 403 (g) (1), the products failed to conform with the definitions and standards of identity for red raspberry, strawberry, and apricot jams.

DISPOSITION: May 9, 1946. Pleas of guilty having been entered, the defendants were each fined \$1,800.

10308. Adulteration of peach preserves. U. S. v. Cecil Brown Fig Co. Plea of guilty. Fine of \$1,000 suspended and firm placed on probation for 5 years. (F. D. C. No. 15485. Sample No. 10393-F.)

INFORMATION FILED: May 29, 1945, Southern District of Texas, against the Cecil Brown Fig Co., a partnership, Friendswood, Tex.

ALLEGED SHIPMENT: On or about January 15, 1944, from the State of Texas into the State of Louisiana.

LABEL, IN PART: "Tak-A-Taste Brand * * * Pure Peach Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, peach fruit, had been in part omitted from the article; and, Section 402 (b) (2), a substance deficient in peach fruit and containing added phosphoric acid or acid phosphate had been substituted in whole or in part for peach preserves, for which a definition and standard of identity has been prescribed by regulations.

DISPOSITION: June 4, 1946. A plea of guilty having been entered, the defendant was fined \$1,000, which fine was suspended, and the firm was placed on probation for a period of 5 years.

10309. Adulteration and misbranding of jams, jellies, and preserves. U. S. v. 400 Cases of Jam, 149 Cases of Jelly, and 47 Cases of Preserves. Consent decrees of condemnation. Products ordered released under bond. Judgment entered ordering forfeiture of bond against 2 lots. (F. D. C. Nos. 4556, 4806, 4906. Sample Nos. 57070-E, 57281-E, 57407-E.)

LIBELS FILED: April 30, May 20, and June 10, 1941, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 19 and April 15, 1941, by the Fresh Grown Preserve Corporation, from Lyndhurst and Kingsland, N. J.

PRODUCT: 400 cases, each containing 6 No. 10 cans, of jams, 149 cases, each containing 6 No. 10 cans, of jelly, and 47 cases, each containing 6 No. 10 cans, of preserves at Jefferson Barracks, Mo.

LABEL, IN PART: "Natures Own Pure Currant [or "Quince," "Blackberry," "Black Raspberry," "Crabapple," or "Grape"] Jelly," "Natures Own Pure Raspberry [or "Grape," "Loganberry," "Peach," "Pineapple," or "Cherry"] Jam," or "Natures Own Pure Pineapple [or "Raspberry," "Peach," "Strawberry," "Loganberry," or "Apricot"] Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), imitation preserves and jam deficient in fruit had been substituted in whole or in part for raspberry, grape, and loganberry jams, and pineapple, raspberry, peach, strawberry, loganberry, and apricot preserves; and imitation jellies deficient in fruit juice and artificially flavored had been substituted in whole or in part for currant and quince jellies, foods for which definitions and standards of identity have been prescribed by the regulations.

Misbranding, Section 403 (a), the names of the products, "Pure Raspberry [or "Grape," or "Loganberry"] Jam," "Pure Pineapple [or "Raspberry," "Peach," "Strawberry," "Loganberry," or "Apricot"] Preserves," and "Pure Currant [or "Quince"] Jelly," were false and misleading; Section 403 (c), the products were imitations of other foods, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the names of the foods imitated; Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for preserves, jams, and jellies; and, Section 403 (k), the jellies contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: On September 3 and October 14, 1941, the Fresh Grown Preserve Corporation, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond, conditioned that they be relabeled under the supervision of the Food and Drug Administration.

On or about July 27, 1945, the Government filed a motion for forfeiture of bond and judgment in the actions involving 400 cases and 47 cases, respectively, on the grounds that the conditions of the decrees had not been complied with. On September 4, 1945, orders were entered that the defendant show cause why the bonds should not be forfeited. The defendant having filed its answer to the order to show cause, the actions came on before the court for hearing. On December 20, 1945, the court made its findings of fact and conclusions of law in favor of the Government and entered judgment that the Fresh Grown Preserve Corporation and the Century Indemnity Co. were indebted to the Government in the sum of \$1,608 and \$194.58, respectively, on the two bonds.

10310. Adulteration and misbranding of jams and jellies. U. S. v. 8 Jars and 10 Cases of Wild Blackberry Jam, 8 Jars and 8 Cases of Wild Plum Jam, and 4 Cases of Wild Blackberry Jelly (and 1 other seizure action against wild blackberry and wild plum jams and jellies.) Default decrees of condemnation. Products ordered delivered to a charitable organization. (F. D. C. Nos. 18387, 18398. Sample Nos. 37814-H to 37820-H, incl.)

LIBELS FILED: On or about November 28 and December 5, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about October 1 and 3, 1945, by Inez McDonald, from Grass Valley, Calif.

PRODUCT: 8 5-pound jars and 12 cases of wild blackberry jam, 8 5-pound jars and 11 cases of wild plum jam, 6 cases of wild blackberry jelly, and 2 cases of wild plum jelly, at Medford and Grants Pass, Oreg. Each case contained 24 20-ounce jars of the respective products.

LABEL, IN PART: "Home Made Pure Fruit Product Wild Blackberry [or "Wild Plum"] Jam [or "Jelly"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 68 percent soluble solids content had been substituted in whole or in part for blackberry jam, and products of less than 65 percent soluble solids content had been substituted in whole or in part for plum jam, plum jelly, and blackberry jelly.

Misbranding, Section 403 (g) (1), the articles failed to conform to definitions and standards of identity which require that the soluble solids content of blackberry jam be not less than 68 percent, and that of plum jam, plum jelly, and blackberry jelly be not less than 65 percent.

DISPOSITION: January 15, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a charitable organization.