

11226. Adulteration and misbranding of raspberry jam. U. S. v. 27 Cases * * *
(F. D. C. No. 20323. Sample No. 42912-H.)**LABEL FILED:** July 3, 1946, District of Maryland.**ALLEGED SHIPMENT:** On or about November 6, 1945, and January 2 and 11, 1946, by the Commercial Syrup Co., from New York, N. Y.**PRODUCT:** 27 cases, each containing 6 9-pound jars, of raspberry jam at Baltimore, Md.**LABEL, IN PART:** "Pure Seedless Raspberry Jam Contents: Pure Cane Sugar, Fruit Acid, 1/10 of 1% Benzoate of Soda."**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product deficient in fruit and containing added phosphoric acid or acid phosphate had been substituted in whole or in part for raspberry jam as defined by the regulations.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. Further misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed by the regulations for raspberry jam, since it was made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredients; and it contained added phosphoric acid or acid phosphate, which is not permitted as an optional ingredient of fruit jam in the definition and standard.

DISPOSITION: September 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.**11227. Adulteration and misbranding of wine vinegar. U. S. v. Stephen Piacitelli (Unita Packing Co.). Plea of guilty. Fine, \$450. (F. D. C. No. 20150. Sample Nos. 11752-H to 11754-H, incl., 12600-H, 52027-H, 52029-H, 57142-H, 57143-H.)****INDICTMENT RETURNED:** June 24, 1946, District of Rhode Island, against Stephen Piacitelli, trading as the Unita Packing Co., Providence, R. I.**ALLEGED SHIPMENT:** Between the approximate dates of February 5 and April 4, 1946, from the State of Rhode Island into the State of Massachusetts.**LABEL, IN PART:** (Portion of bottles) "Capri Brand [or "Barbera Brand"] Wine Vinegar Contents One Pint 9 Fluid Oz.," "Alba Brand Claret Wine Vinegar Contents 1 Pint 9 Fl. Oz. Bottled for Alberti Importing Co., Boston, Mass.," or "Pastene Pure Claret Wine Vinegar Contents 1 Pt. 9 Fl. Oz. Pastene & Co. Inc. Distributors." Some of the bottles were gallon-size, half-gallon size, and 1 pint 9 fluid-ounce size. Two of the shipments were invoiced as "Wine Vinegar." One of these shipments was labeled "4/5 Quart," and the other was in unlabeled barrels.**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), artificially colored distilled vinegar had been substituted for wine vinegar, which the article was represented to be; and, Section 402 (b) (4), artificial coloring had been added to and mixed and packed with the article so as to make it appear to be wine vinegar, which is better and of greater value.

Misbranding (portion), Section 403 (a), the designation "Wine Vinegar" and the design of bunches of grapes borne on the labels of portions were false and misleading; Section 403 (e) (2), the gallon-size and half-gallon-size bottles failed to bear labels containing an accurate statement of the quantity of the contents, since the labels bore the statement "Contents 1 Pint 9 Fl. Oz." Further misbranding, Section 403 (e) (1), the 4/5-quart-size bottles failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (i) (1), they failed to bear a label containing the common or usual name of the food; and, Section 403 (k), the article contained artificial coloring and failed to bear a label stating that fact.

DISPOSITION: October 30, 1946. A plea of guilty having been entered, the court imposed a fine of \$30 on each of the 15 counts, a total fine of \$450.**11228. Adulteration and misbranding of wine vinegar. U. S. v. 3 Barrels * * * (and 7 other seizure actions). (F. D. C. Nos. 19899, 19900, 19905 to 19908, incl., 20260, 21237. Sample Nos. 11753-H, 11754-H, 12600-H, 56715-H, 57027-H, 57029-H, 57133-H, 57134-H, 57142-H, 57143-H.)****LABELS FILED:** May 13, June 13, and October 11, 1946, District of Massachusetts.