

DISPOSITION: March 5, 1948. Pleas of nolo contendere having been entered, the defendants were each fined \$500, plus costs.

12933. Adulteration of strawberry puree. U. S. v. Breyer Ice Cream Co., a corporation, and Frank S. Bartoletti and Herman Kruse. Pleas of guilty. Corporation fined \$500; individual defendants each fined \$5. (F. D. C. No. 23574. Sample Nos. 5328-H, 65315-H, 65321-H, 65333-H, 65334-H.)

INFORMATION FILED: January 5, 1948, Southern District of Florida, against the Breyer Ice Cream Co., Plant City, Fla., and Frank S. Bartoletti, general manager, and Herman Kruse, plant foreman.

ALLEGED SHIPMENT: On or about April 13, 15, 17, and 20, and May 3, 1946, from the State of Florida into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: March 4, 1948. Pleas of guilty having been entered, the corporation was fined \$500 and the individual defendants were each fined \$5.

12934. Adulteration of strawberry puree. U. S. v. Brown Packing Co. Plea of guilty. Fine, \$500. (F. D. C. No. 23577. Sample Nos. 63722-H, 63723-H.)

INFORMATION FILED: October 15, 1947, Southern District of Florida, against the Brown Packing Co., a corporation, Plant City, Fla.

ALLEGED SHIPMENT: On or about April 13 and 16, 1946, from the State of Florida into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: March 4, 1948. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

12935. Adulteration and misbranding of cherry-pineapple marmalade and raspberry-pineapple marmalade. U. S. v. 19 Cases, etc. (F. D. C. No. 23887. Sample Nos. 8755-K, 8756-K.)

LIBEL FILED: October 31, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 3, 1947, by the Groveland Products Company, Inc., from Miami, Fla.

PRODUCT: 34 cases, each containing 24 jars, of marmalade at Brooklyn, N. Y.

LABEL, IN PART: "Cherry [or "Raspberry"] Pineapple Marmalade Certified Color and Imitation Flavor Added Net Wt. 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products containing artificial flavor and artificial color had been substituted for cherry-pineapple and raspberry-pineapple preserves, foods for which a definition and standard of identity has been prescribed by regulations.

Misbranding, Section 403 (g) (1), the products purported to be cherry-pineapple or raspberry-pineapple preserves, and they failed to conform to the definition and standard of identity, since they contained artificial color and artificial flavor, which are not permitted as ingredients in such products; and, Section 403 (a), the label statements "Cherry Pineapple Marmalade" and "Raspberry Pineapple Marmalade" were misleading, since the products had a predominating artificial flavor and contained little or no cherry or raspberry fruit.

DISPOSITION: March 3, 1948. Default decree of condemnation. The products were ordered delivered to a charitable institution.

12936. Adulteration and misbranding of blackberry preserves. U. S. v. 44 Cases * * * (F. D. C. No. 22967. Sample No. 76443-H.)

LIBEL FILED: May 2, 1947, Western District of Louisiana.

ALLEGED SHIPMENT: On or about March 10, 1947, by the Phelan Co., from Beaumont, Tex.

PRODUCT: 44 cases, each containing 12 2-pound jars, of blackberry preserves at De Quincy, La.

LABEL, IN PART: "Tak-A-Taste Brand * * * Pure Blackberry Preserves Packed By Cecil Brown Fig Co., Friendswood, Texas."