

(The article was adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: October 28, 1948. Default decree of condemnation and destruction.

13820. Adulteration of glace fruit. U. S. v. 1 Barrel, etc. (F. D. C. No. 25019. Sample Nos. 26967-K, 26968-K.)

LIBEL FILED: July 8, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 28 and December 11, 1947, from Rockford, Ill.

PRODUCT: 1 barrel containing 300 pounds of ribbon cut natural melon, and 1 barrel containing 350 pounds of diced citron at St. Louis, Mo. Examination showed that the products were fermenting.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a decomposed substance by reason of their being fermented. (The articles were adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: August 16, 1948. Default decree of condemnation and destruction.

13821. Adulteration and misbranding of apple-strawberry jelly, adulteration of applesauce, and misbranding of peach preserves. U. S. v. B. Frank Craddock (Craddock Canning & Preserve Co.). Pleas of guilty to certain counts and pleas of nolo contendere to remaining counts. Fine of \$1,500 and costs. (F. D. C. No. 23562. Sample Nos. 35657-H, 40139-H, 40718-H, 41205-H, 41206-H, 53520-H.)

INFORMATION FILED: October 17, 1947, Western District of Kentucky, against B. Frank Craddock, trading as the Craddock Canning & Preserve Co., Paducah, Ky.

ALLEGED VIOLATIONS: On or about July 1, 1946, the defendant gave M. Livingston & Co. a guaranty providing that any product sold to M. Livingston & Co. would be in compliance with the Federal Food, Drug, and Cosmetic Act. During the month of July 1946, the defendant sold and delivered a quantity of apple-strawberry jelly to M. Livingston & Co., at Paducah, Ky. The jelly so delivered under the guaranty was adulterated and misbranded. On or about August 6, 1946, M. Livingston & Co. shipped the jelly into the State of Illinois.

In addition, it was charged that on or about August 24, October 17, and November 7 and 20, 1946, the defendant shipped quantities of apple-strawberry jelly, peach preserves, and canned applesauce from the State of Kentucky into the States of Arkansas and Tennessee.

LABEL, IN PART: "Craddock Brand Pure Apple-Strawberry Jelly [or "Pure Peach Preserves Contents 1 lb. 10 oz.]" or "Tip-Top Brand Apple Sauce."

NATURE OF CHARGE: Apple-strawberry jelly. Adulteration, Section 402 (b) (1), valuable constituents, apple juice and strawberry juice, had been omitted. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple-strawberry jelly since it was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredients, apple juice and strawberry juice, to each 55 parts by weight of one of the saccharine ingredients; and in addition it contained a color, amaranth, and one lot contained artificial strawberry flavor, which are not permitted as optional ingredients of apple-strawberry jelly.

Applesauce. Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of rotten apple material.

Peach preserves. Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 1 pound, 10 ounces.)

DISPOSITION: April 20, 1948. A plea of guilty having been entered to the first seven counts of the information and a plea of nolo contendere having been entered to counts 8, 9, and 10, involving one lot of the apple-strawberry jelly which was adulterated and misbranded and one lot of the peach preserves which was misbranded, the court imposed a fine of \$500 on count 1, \$200 on count 2, and \$100 on each of the remaining counts, making a total fine of \$1,500, plus costs.

13822. Adulteration of pineapple jelly. U. S. v. 15 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25033, 25207. Sample Nos. 44060-K, 44081-K.)

LIBELS FILED: July 12 and 27, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 10, 1947, from Palm Beach, Fla.

PRODUCT: 22 cases, each containing 24 1-pound jars, of pineapple jelly at Cincinnati, Ohio.

NATURE OF CHARGE: The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it was unfit for food by reason of the presence of large sugar crystals.

DISPOSITION: September 3 and 10, 1948. Default decrees of condemnation and destruction.

13823. Adulteration and misbranding of imitation raspberry preserves. U. S. v. 27 Tins \* \* \*. (F. D. C. No. 25216. Sample No. 7238-K.)

LIBEL FILED: July 26, 1948, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 1 and April 27, 1947, by the Daniels Food Products Co., from Chicago, Ill.

PRODUCT: 27 unlabeled second-hand tins, each containing approximately 30 pounds, of imitation raspberry preserves at Youngstown, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. (The product was adulterated while held for sale after shipment in interstate commerce.)

Misbranding, Sections 403 (e) (1) and (2), the product was in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (1), its label failed to bear the common or usual name of the food; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each active ingredient.

DISPOSITION: September 14, 1948. Default decree of condemnation and destruction.

#### VEGETABLES AND VEGETABLE PRODUCTS

13824. Adulteration of frozen asparagus. U. S. v. 129 Cases \* \* \*. (F. D. C. No. 25265. Sample Nos. 43124-K, 43125-K.)