

PRESERVES AND FRUIT BUTTER

18276. Adulteration and misbranding of canned cherry preserves. U. S. v. 30 Cases * * * (F. D. C. No. 30747. Sample No. 3068-L.)

LIBEL FILED: March 13, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about January 29, 1951, by Robbins Sales Co., Inc., from New York, N. Y.

PRODUCT: 30 cases, each containing 6 8-pound, 4-ounce cans, of cherry preserves at Washington, D. C.

LABEL, IN PART: (Can) "Fruitcrest Pure Cherry Preserves * * * Packed By Fruitcrest Corp. Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), dark, shriveled cherries with pits had been added to the product and mixed and packed with it so as to reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed by the regulations since the fruit ingredient had not been properly prepared, whereas the regulations specify that the fruit ingredient of cherry preserves is properly prepared cherries.

DISPOSITION: The Robbins Sales Co., Inc., having intervened as claimant and having filed a motion for discovery and to obtain representative samples, the court, on May 8, 1951, entered an order that the Government furnish the claimant with a copy of the analysis of the product and that the marshal deliver the requested samples. On February 21, 1952, the claimant having withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be delivered to a public institution for the use of the inmates, and not for sale.

18277. Adulteration and misbranding of Pinecot (pineapple-apricot) preserves and red raspberry jam and apricot jam. U. S. v. 4 Cases, etc. (F. D. C. No. 32330. Sample Nos. 13597-L to 13600-L, incl.)

LIBEL FILED: January 8, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about October 15 and November 12 and 17, 1951, by the J. F. Garvey Co., from Lincoln, Nebr.

PRODUCT: 10 cases, each containing 6 8¼-pound cans, of Pinecot (pineapple-apricot) preserves, 10 cases, each containing 6 8¼-pound cans, of red raspberry jam, and 18 cases, each containing 6 8¼-pound cans, of apricot jam at Denver, Colo.

LABEL, IN PART: "Clover Farm [or "Glendale Brand"] Pinecot Preserves," "Red Raspberry Jam," and "Apricot Jam."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (all lots) products deficient in fruit had been substituted for pineapple-apricot preserves, red raspberry jam, and apricot jam.

Misbranding, Section 403 (g) (1), (all lots) the products purported to be pineapple-apricot preserves and red raspberry jam and apricot jam, and they failed to conform to the definitions and standards of identity for such products, since all the products were made from a mixture composed of less than 45 parts by weight of their fruit ingredients (pineapple-apricot, red raspberry, or apricot, respectively) to each 55 parts by weight of one of the optional saccharin ingredients specified in such definitions and standards.

DISPOSITION: April 3, 1952. Default decree of condemnation. The court ordered that the products be delivered to charitable institutions.