

18278. Misbranding of apple butter. U. S. v. Jerome P. Firnstahl and Ronald H. Preston. Tried to the jury. Jerome P. Firnstahl found guilty; imposition of sentence suspended and this defendant placed on probation for 3 years. Ronald H. Preston found not guilty. (F. D. C. No. 31100. Sample Nos. 78429-K, 90606-K.)

INDICTMENT RETURNED: July 24, 1951, Western District of Washington, against Jerome P. Firnstahl, a partner in the firm trading under the name of the Pacific Food Products Co., Seattle, Wash., and Ronald H. Preston, assistant manager of the firm.

ALLEGED DELIVERY FOR SHIPMENT: On or about May 25 and November 30, 1950, at Seattle, Wash., for delivery to Honolulu, T. H.

LABEL, IN PART: "Sunny Jim Pure Washington Apple Butter Made by Pacific Food Products Co., Seattle, U. S. A. Contents 27 Oz."

NATURE OF CHARGE: One lot. Misbranding, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the jars contained less than the declared weight, namely, "27 Oz."

Both lots. Misbranding, Section 403 (g) (1), the article failed to conform with the definition and standard of identity for apple butter since it had not been concentrated by heat to such point that the soluble-solids content of the finished product was not less than 43 percent as prescribed by the regulations.

DISPOSITION: December 28, 1951. Pleas of not guilty having been entered, the case came on for trial before a jury, which returned a verdict of guilty with respect to Jerome P. Firnstahl and not guilty with respect to Ronald H. Preston. Imposition of sentence against Jerome P. Firnstahl was suspended, and he was placed on probation for 3 years.

VEGETABLES

18279. Adulteration of frozen artichokes. U. S. v. 28 Cases * * *. (F. D. C. No. 31862. Sample No. 32236-L.)

LIBEL FILED: October 3, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 10, 1951, by Western Frozen Foods Co., Inc., from Watsonville, Calif.

PRODUCT: 28 cases, each containing 6 45-ounce cartons, of frozen artichokes at St. Louis, Mo.

LABEL, IN PART: "Rose Froz'n Brand California Artichokes * * * Artichokes, Inc."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 29, 1951. Default decree of condemnation and destruction.

18280. Adulteration of canned beets. U. S. v. 1,114 Cases * * *. (F. D. C. No. 31493. Sample Nos. 21908-L, 21909-L.)

LIBEL FILED: August 29, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 5 and 17, 1950, from Los Fresnos, Tex.

PRODUCT: 1,114 cases, each containing 24 1-pound, 4-ounce cans, of beets.

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