

**INFORMATION FILED:** July 21, 1952, Northern District of Ohio, against Pelton's Spudnuts, Inc., trading as the Martens Co., Cleveland, Ohio.

**ALLEGED SHIPMENT:** On or about July 10 and 13, 1951, from the State of Ohio into the State of Pennsylvania.

**LABEL, IN PART:** "Marco Pure Red Raspberry Jelly" and "Marco Pineapple Preserves."

**NATURE OF CHARGE:** Red raspberry jelly. Adulteration, Section 402 (b) (2), an article deficient in fruit juice and containing artificial coloring had been substituted for red raspberry jelly; and, Section 402 (b) (4), artificial coloring had been added to the product and mixed and packed with it so as to make it appear to be better or of greater value than it was. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for red raspberry jelly since it was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient, red raspberries, to each 55 parts by weight of one of the optional saccharine ingredients, and it contained artificial coloring, which is not permitted by the standard.

Pineapple preserves. Adulteration, Section 402 (b) (2), an article deficient in fruit and containing artificial coloring had been substituted for pineapple preserves; and, Section 402 (b) (4), artificial coloring had been added to the product and mixed and packed with it so as to make it appear to be better or of greater value than it was. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for pineapple preserves since it was made from a mixture composed of less than 45 parts by weight of the fruit ingredient, pineapple, to each 55 parts by weight of one of the optional saccharine ingredients, and it contained artificial coloring, which is not permitted by the standard.

**DISPOSITION:** October 17, 1952. A plea of nolo contendere having been entered, the court fined the defendant \$100.

**19130. Adulteration and misbranding of jam. U. S. v. 48 Cases, etc. (F. D. C. No. 33181. Sample Nos. 35551-L to 35553-L, incl.)**

**LABEL FILED:** April 22, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about November 9, 1951, and February 1, 1952, by the Oelerich & Berry Co., from Chicago, Ill.

**PRODUCT:** 48 cases, each containing 12 2-pound jars, of strawberry-apple jam, and 18 cases, each containing 12 4-pound, 5-ounce pails, of assorted jams at Thief River Falls, Minn.

**LABEL, IN PART:** "Oelerich Nt. Wt. 2 Lbs. Fruit Maid Strawberry Apple Jam" or "Oelerich Net Weight 4 Lbs. 5 Oz. Fruit Maid Raspberry Apple [or "Grape Apple," "Strawberry Apple"] Jam."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), (48-case lot of strawberry-apple jam and portion of 18-case lot of raspberry-apple jam and grape-apple jam) products deficient in fruit had been substituted for strawberry-apple jam, raspberry-apple jam, and grape-apple jam.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for strawberry-apple jam, raspberry-apple jam, and grape-apple jam since they were made from mixtures composed of less than 45 parts by weight of the fruit ingredient (strawberry-apple, raspberry-apple, or grape-apple) to each 55 parts by weight of one of the sweetening ingredients specified in the standard.

DISPOSITION: June 13, 1952. Default decree of condemnation. The court ordered that the products be delivered to charitable organizations.

**19131. Adulteration and misbranding of red raspberry jelly. U. S. v. 13 Cases \* \* \*. (F. D. C. No. 33137. Sample No. 30293-L.)**

**LABEL FILED:** May 19, 1952, District of Idaho.

**ALLEGED SHIPMENT:** On or about January 28, 1952, by the Oelerich & Berry Co., from Chicago, Ill.

**PRODUCT:** 13 cases, each containing 24 12-ounce jars, of red raspberry jelly at Boise, Idaho.

**LABEL, IN PART:** "Oelerich Old Manse \* \* \* Pure Red Raspberry Jelly."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 65 percent soluble solids had been substituted for red raspberry jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for red raspberry jelly since the soluble-solids content of the product was less than 65 percent.

DISPOSITION: June 17, 1952. Default decree of forfeiture. The court ordered that the product be delivered to a charitable institution.

**VEGETABLES AND VEGETABLE PRODUCTS**

**19132. Adulteration and misbranding of canned kidney beans. U. S. v. 126 Cases \* \* \*. (F. D. C. No. 32507. Sample No. 38512-L.)**

**LABEL FILED:** February 14, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 31, 1951, by D. E. Foote & Co., Inc., from Baltimore, Md.

**PRODUCT:** 126 cases, each containing 24 1-pound, 4-ounce cans, of kidney beans at New York, N. Y.

**LABEL, IN PART:** "Torino Brand Cannellini \* \* \* White Kidney Beans \* \* \* Packed by J. Ossola Co., New York, N. Y.-Pittsburgh, Phila., Pa.-Miami, Fla."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a variety of beans other than white kidney beans had been substituted in whole or in part for white kidney beans or Cannellini beans.

Misbranding, Section 403 (a), the label statements "Cannellini \* \* \* White Kidney Beans \* \* \* Packed by J. Ossola Co., New York, N. Y.-Pittsburgh, Phila., Pa.-Miami, Fla." were false and misleading since the product was a variety of beans other than white kidney beans and was packed by D. E. Foote & Co., Inc., Baltimore, Md.

DISPOSITION: October 15, 1952. The J. Ossola Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

**19133. Adulteration of canned sauerkraut. U. S. v. James C. Crawford (Crawford Sauerkraut Co.). Plea of guilty. Fine of \$500. (F. D. C. No. 31571. Sample Nos. 6917-L, 6985-L.)**

**INFORMATION FILED:** December 6, 1951, Western District of New York, against James C. Crawford, a partner in the Crawford Sauerkraut Co., Canandaigua, N. Y.