

19723. Misbranding of canned pears. U. S. v. 25 Cases * * *. (F. D. C. No. 34142. Sample No. 40910-L.)

LIBEL FILED: November 18, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about October 4, 1952, by the Apple Growers Association, from Hood River, Oreg.

PRODUCT: 25 cases, each containing 24 1-pound, 13-ounce cans, of pears at Hackensack, N. J.

LABEL, IN PART: "Silver Grille Brand Hood River * * * Bartlett Pear Halves in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since all the units were not untrimmed, or were so trimmed as not to preserve their normal shape, and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 2, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization.

DRIED FRUIT *

19724. Adulteration of dried pears and dried apricots. U. S. v. 29 Cases, etc. (F. D. C. No. 33007. Sample Nos. 7534-L to 7537-L, incl.)

LIBEL FILED: April 7, 1952, Western District of New York.

ALLEGED SHIPMENT: On or about February 7, 1952, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

PRODUCT: 29 25-pound cases of dried pears and 59 25-pound cases and 5 30-pound cases of dried apricots at Buffalo, N. Y.

LABEL, IN PART: "Ensign Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent excreta, rodent hairs, insects, and insect parts; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 20, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

The products were sorted, with the result that ½ pound of dried pears and 388½ pounds of dried apricots were found unfit.

JAMS, JELLIES, AND PRESERVES

19725. Misbranding of fruit spread. U. S. v. 170 Cases, etc. (F. D. C. No. 32974. Sample Nos. 13026-L to 13030-L, incl.)

LIBEL FILED: March 28, 1952, District of New Mexico.

ALLEGED SHIPMENT: On or about January 3, 1952, by Leverton & Co., from Houston, Tex.

PRODUCT: 346 cases, each containing 24 12-ounce jars, of fruit spread at Albuquerque, N. Mex.

LABEL, IN PART: (Jar) "Purefruit Brand * * * Strawberry [or "Blackberry," "Apricot," "Pin-Cot," or "Peach"] Fruit Spread."

*See also Nos. 19739, 19740.

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the products purported to be fruit jams, foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to such definitions and standards of identity since they were made from mixtures composed of less than 45 parts by weight of the fruit ingredients (strawberry, blackberry, apricot, pineapple-apricot, or peach, respectively) to each 55 parts by weight of one of the optional sweetening ingredients specified in the definitions and standards; their soluble-solids content was less than 68 percent; and the strawberry fruit spread contained artificial color, which is not permitted as an ingredient of strawberry jam by such definition and standard.

DISPOSITION: April 20, 1952. Leverton & Co., claimant, having admitted the essential allegations in the libel, judgment of condemnation was entered and the court ordered that the products be released under bond to be relabeled under the supervision of the Food and Drug Administration.

19726. Misbranding of fruit spread. U. S. v. 3 Cases, etc. (F. D. C. No. 33486. Sample Nos. 54414-L, 54415-L.)

LIBEL FILED: July 25, 1952, Western District of Michigan.

ALLEGED SHIPMENT: On or about July 23, 1951, and April 4, 1952, by the Milwaukee Preserve and Flavor Co., from Milwaukee, Wis.

PRODUCT: 3 cases, each containing 12 2-pound jars, of strawberry spread, and 9 cases, each containing 12 2-pound jars, of raspberry spread at Iron River, Mich.

LABEL, IN PART: "Top Hat Spread Strawberry [or "Raspberry"]."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the products purported to be and were represented as strawberry jam and red raspberry jam, and they failed to conform to the definitions and standards of identity for such jams since they were made from a mixture composed of less than 45 parts by weight of the fruit ingredients to each 55 parts by weight of the saccharine ingredients; the soluble-solids content was less than 68 percent; and they contained artificial color, which is not permitted as an optional ingredient.

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

19727. Adulteration and misbranding of strawberry jelly. U. S. v. 14 Cases * * *. (F. D. C. No. 34156. Sample No. 17544-L.)

LIBEL FILED: November 21, 1952, District of Arizona.

ALLEGED SHIPMENT: On or about August 1, 1952, by Certified Grocers of California, Ltd., from Los Angeles, Calif.

PRODUCT: 14 cases, each containing 12 20-ounce jars, of strawberry jelly at Phoenix, Ariz.

LABEL, IN PART: "Old Tavern Pure Strawberry Jelly * * * Packed By Kremer Foods Los Angeles, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit juice had been substituted for strawberry jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for strawberry jelly since it contained less than 45 parts by weight of the fruit juice ingredient (strawberry) to each 55 parts by weight of the saccharine ingredient.