

(i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** March 9, 1949. The General Foods Corp. having appeared as claimant, judgment of condemnation was entered ordering the product released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

#### MISCELLANEOUS FRUIT PRODUCTS\*

**1444. Adulteration and misbranding of grape jelly. U. S. v. Rich & Morgan, Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 26337. Sample Nos. 289-K, 741-K.)**

**INFORMATION FILED:** February 7, 1949, Northern District of Georgia, against Rich & Morgan, Inc., Atlanta, Ga.

**ALLEGED SHIPMENT:** On or about March 1 and July 6, 1948, from the State of Georgia into the States of Florida and Alabama.

**LABEL, IN PART:** "De.Lish.Us Brand Pure Grape Jelly \* \* \* Quality Food Packers Atlanta, Ga."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing artificial coloring and having a soluble-solids content of less than 65 percent, and one shipment of which contained artificial flavoring and was deficient in fruit juice, had been substituted for grape jelly.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for grape jelly since the jelly in both shipments was insufficiently concentrated and the jelly in one of the shipments was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the optional saccharine ingredients specified in the standard. The article failed further to conform to the definition and standard, in that the jelly in both of the shipments contained artificial coloring and one shipment contained artificial flavoring, which substances are not permitted as optional ingredients of grape jelly in the standard.

**DISPOSITION:** March 18, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$200.

**1445. Misbranding of jellies. U. S. v. Keller Food Products Co., Max Keller, and Samuel Keller. Pleas of nolo contendere. Corporation fined \$800; each individual fined \$8. (F. D. C. No. 24778. Sample Nos. 61087-H to 61089-H, incl., 61092-H to 61094-H, incl., 85670-H, 85671-H.)**

**INFORMATION FILED:** June 9, 1948, Eastern District of Pennsylvania, against the Keller Food Products Co., a partnership, Philadelphia, Pa., and Max Keller and Samuel Keller, partners.

**ALLEGED SHIPMENT:** On or about August 14 and 21, 1947, from the State of Pennsylvania into the States of New York and Virginia.

**LABEL, IN PART:** "Keller's Pure Apple Strawberry ["Cherry" or "Grape"] Jelly."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for apple-strawberry,

\*See also Nos. 14301-14303.

apple-cherry, or apple-grape jelly, since they were made from a mixture composed of less than 45 parts by weight of the fruit juice ingredients to each 55 parts by weight of one of the optional saccharine ingredients; and the products had not been concentrated by heat to the point where their soluble solids content was not less than 65 percent.

DISPOSITION: January 11, 1949. Pleas of nolo contendere having been entered, the partnership was fined \$100 on each of 8 counts and each individual was fined \$1 on each of the 8 counts.

14446. Adulteration of canned strained apricots with farina. U. S. v. 798 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 25703, 25704, 25861. Sample Nos. 23128-K, 30141-K, 37924-K.)

LIBELS FILED: October 15, 19, and 20, 1948, Northern District of Texas, Western District of Washington, and District of Arizona.

ALLEGED SHIPMENT: On or about July 20, 22, and 24, 1948, by the Gerber Products Co., from Fruitvale and Oakland, Calif.

PRODUCT: 798 cases, each containing 48 4¼-ounce cans, of strained apricots with farina at Dallas, Tex.

LABEL, IN PART: "Gerber's Strained Apricots With Farina."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence (in 2 lots) of insect fragments and rodent hair fragments and by reason of the use (in 1 lot) of insect-infested farina; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 7 and 27, 1948, and January 14, 1949. Default decrees of condemnation and destruction.

#### VEGETABLES AND VEGETABLE PRODUCTS

14447. Misbranding of canned string beans. U. S. v. 143 Cases \* \* \*. (F. D. C. No. 26393. Sample No. 37651-K.)

LIBEL FILED: January 12, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about November 30, 1948, by Oregon Foods, Inc., from McMinnville, Oreg.

PRODUCT: 143 cases, each containing 6 unlabeled cans, of string beans at Santa Paula, Calif. No written agreement existed between the shipper and the consignee as to the labeling of the product.

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (g) (2), the article purported to be canned green beans, a food for which a definition and standard of identity had been prescribed by the regulations, and its label failed to bear as the regulations require, the name of the food specified in the definition and standard; and, Section 403 (h) (1), the article fell below the standard of quality for canned green beans since it contained tough strings in excess of the amount permitted by the standard, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: February 15, 1949. The Ventura County Citrus Growers Committee, Santa Paula, Calif., claimant, having consented to the entry of a decree,