

in violation of the Food and Drugs Act. The article was labeled in part: "Nature's Own Pure Currant Jelly [or "Raspberry Jam"] Manufactured by Fresh Grown Preserve Corp. Brooklyn, New York."

The currant jelly was alleged to be adulterated in that excess sugar, added acid, pectin, water, and ash material had been mixed and packed therewith so as to reduce or lower its quality; in that a mixture of fruit juice, sugar, acid, pectin, water, and ash material, containing less fruit juice and more sugar than jelly should contain, had been substituted for jelly; and in that the article had been mixed in a manner whereby its inferiority was concealed.

The raspberry jam was alleged to be adulterated in that excess sugar, added pectin, and ash material had been mixed and packed therewith so as to reduce or lower its quality; in that a mixture of fruit, sugar, pectin, and ash material containing less fruit and more sugar than jam should contain, had been substituted for jam; and in that the article had been mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged in that the statements, "Pure Currant Jelly" and "Pure Raspberry Jam," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling jelly and jam, but which contained less fruit than jelly and jam should contain. They were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles.

On June 21, 1938, the Sun Distributing Co., Inc., claimant, filed an answer denying that the products were adulterated and misbranded. On February 10, 1940, the case was set for hearing on March 5, 1940, and due notice thereof was served upon the claimant. No one appearing on behalf of the claimant at the hearing, the court entered the finding that the products were adulterated and misbranded as alleged in the libel. On March 20, 1940, judgment of condemnation was entered and the products were ordered delivered to various charitable institutions.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31063. Adulteration of tomato catsup, tomato puree, and tomato paste. U. S. v. Val Vita Food Products, Inc. Plea of guilty. Fine, \$1,500. (F. & D. No. 42790. Sample Nos. 20248-D, 20300-D, 20456-D, 20471-D, 20472-D, 20552-D, 28189-D, 39424-D, 39810-D, 39811-D, 39847-D, 40978-D, 44756-D, 50544-D, 50549-D, 50911-D, 62516-D, 62520-D, 37780-D.)

Samples of these products were found to contain worm fragments, insects, and insect fragments. Rodent hairs also were found in certain samples.

On February 7, 1940, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Val Vita Food Products, Inc., Fullerton, Calif., alleging shipment by said company in violation of the Food and Drugs Act, within the period from on or about April 9, 1938, to on or about January 15, 1939, from the State of California into the States of Nevada, Arizona, Oregon, Washington, Texas, New Jersey, and Alabama, of quantities of tomato catsup, tomato puree, and tomato paste that were adulterated. The articles were labeled in part, variously: "Val Vita Brand Tomato Catsup * * * Val Vita Food Products, Inc., Fullerton Calif."; "Monte Rio Brand Tomato Catsup * * * Orange County Cannery, Inc. Fullerton Calif."; "Val Vita Brand Tomato Puree * * * Orange County Cannery, Inc."; "Monte Rio Brand Tomato Catsup * * * Val Vita Food Products Inc."; "Val Vita Brand Tomato Paste * * * Val Vita Food Products Inc."; "Nation's Garden Brand Tomato Catsup * * * Packed for Fine Foods, Inc. Seattle Minneapolis."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy animal and vegetable substances, namely, tomato products containing worm fragments, insects, and insect fragments (and also rodent hairs that were found in certain samples). The information also charged violation of the Federal Food, Drug, and Cosmetic Act, reported in notice of judgment F. N. J. No. 629 published under that act.

On February 26, 1940, the defendant entered a plea of guilty to all counts and the court imposed a fine of \$100 on each of the first 15 counts, all of which involved violations of the Food and Drugs Act; and suspended imposition of fine on the remaining 3 counts, of which 2 involved violation of the Food and Drugs Act and 1 involved violation of the Federal Food, Drug, and Cosmetic Act.

GROVER B. HILL, *Acting Secretary of Agriculture.*