

31097. Misbranding of canned apricots. U. S. v. 92 Cases of Apricots. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 45599. Sample No. 70467-D.)

This product was substandard because the fruit was not of normal size and the units were not uniform in size, and it was not labeled to indicate that it was substandard.

On March 1, 1940, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed a libel against 92 cases of apricots at Lubbock, Tex., alleging that the article had been shipped in interstate commerce on or about August 8, 1939, by H. D. Olson, from Ogden, Utah; and charging that it was misbranded. The article was labeled in part: "Craig's Royal Brand Standard Apricots Packed by Wm. Craig Canning Co., Ogden, Utah."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the fruit was not of normal size and the units were not of uniform size, and its package or label did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 15, 1940, H. D. Olson, Ogden, Utah, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the article was ordered released under bond on condition that it be relabeled in compliance with the law.

PAUL V. McNUTT, *Administrator.*

31098. Adulteration and misbranding of jams. U. S. v. 35 Cases of Assorted Jams. Consent decree of condemnation. Products ordered released under bond for relabeling. (F. & D. No. 44643. Sample Nos. 35851-D, 35852-D, 35853-D.)

These jams were found to contain apple in addition to the fruit indicated on the labels.

On January 9, 1939, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed a libel against 35 cases of assorted jams at New London, Conn., alleging that the article had been shipped in interstate commerce on or about January 3, 1939, from Fort H. G. Wright, N. Y.; and charging that they were adulterated and misbranded. The articles were labeled in part: "Nature's Own Pure Raspberry [or "Strawberry" or "Peach"] Jam Manufactured by Fresh Grown Preserve Corp. Brooklyn, New York."

The articles were alleged to be adulterated in that apple had been substituted in whole or in part for the said articles.

They were alleged to be misbranded in that the statements on the labels, "Pure Raspberry Jam," "Pure Strawberry Jam," and "Pure Peach Jam," were false and misleading and tended to deceive and mislead the purchaser when applied to products containing apple. 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 3, 1940, the Fresh Grown Preserve Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the products be released under bond conditioned that they be relabeled in accordance with the requirements of the law.

PAUL V. McNUTT, *Administrator.*

31099. Adulteration of nutmegs. U. S. v. B. H. Old & Co., Inc. and Harry J. Schlichting. Pleas of guilty. Corporation fined \$100. Harry J. Schlichting fined \$50. (F. & D. No. 39787. Sample No. 26766-C.)

The product involved in this case was in whole or in part filthy and decomposed.

On March 2, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against B. H. Old & Co., Inc. and Harry J. Schlichting, an officer of the corporation, alleging that the said defendants had received from Holland and had caused to be delivered to a purchaser at Hoboken, N. J., a quantity of nutmegs that were adulterated. The information alleged further that the article had been shipped from Amsterdam, Holland, on or about July 23, 1936, by Schroder & Heil to Hoboken, N. J., and had been delivered by direction of the said B. H. Old & Co., Inc., in the original unbroken packages to the said purchaser at Hoboken, N. J. on October 3 and 5, 1936.