**25784. Adulteration of frozen raspberries. U. S. v. 150 Barrels of Frozen Raspberries. Consent decree of condemnation. Product released under bond.** (F. & D. no. 37117. Sample no. 55606–B.)

This case involved interstate shipments of frozen raspberries that were found to be worm- and insect-infested.

On January 29, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 barrels, more or less, of frozen raspberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 8, 1935, by the R. D. Bodle Co., from Tacoma, Wash., and charging that the article was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled "Straight Cuthbert Raspberries * * *."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 10, 1936, the R. D. Bodle Co., claimant, admitting the allegations set forth in the libel, and consenting to a decree of condemnation, judgment of condemnation was entered and the article was released under bond for salvaging.

W. R. Gregg, *Acting Secretary of Agriculture.*

**25785. Adulteration and misbranding of preserves. U. S. v. 249 Cases of Assorted Alleged Preserves. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. no. 37118. Sample no. 50549–B.)

This case involved an interstate shipment of assorted so-called preserves, of which so-called apricot preserves and so-called peach preserves were deficient in fruit, and the so-called peach preserves contained added water.

On January 24, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 249 cases of preserves, including so-called apricot preserves and so-called peach preserves, at Jersey City, N. J., alleging that the product has been shipped in interstate commerce on or about October 30, 1935, by the Sambo Dairy Products, Inc., from Brooklyn, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The product contained in jars was labeled: "Filigree Brand Pure Apricot [or "Peach"] Preserves Net Weight 1 Pound Packed for Hudson Wholesale Grocery Co. Jersey City, N. J."

The so-called apricot preserves were alleged to be adulterated (1) in that a substance deficient in fruit had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality, and (2) in that a substance deficient in fruit had been substituted for pure apricot preserves, which the article purported to be. The so-called peach preserves were alleged to be adulterated (1) in that a substance deficient in fruit and containing added water had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality, and (2) in that a substance deficient in fruit and containing added water had been substituted for pure peach preserves, which the article purported to be.

The so-called apricot preserves and the so-called peach preserves were alleged to be misbranded (1) in that the statements, "Pure Apricot Preserves" or "Pure Peach Preserves", as the case might be, borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied respectively to imitation apricot or imitation peach preserves, and (2) in that the articles were, respectively, imitations of and offered for sale under the distinctive names of other articles.

On February 20, 1936, Sambo Products, Inc., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation was entered and it was ordered that the products be released under bond, conditioned that they be transferred to other containers and relabeled under the supervision of the Department of Agriculture.

W. R. Gregg, *Acting Secretary of Agriculture.*

**25786. Misbranding of beer. U. S. v. 100 Cases and 62 Cases of Beer. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. no. 37124. Sample nos. 49339–B, 49340–B.)

This case involved an interstate shipment of beer which was found to contain less alcohol than the percentage thereof represented on the label.

On January 27, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the