

**26547. Adulteration and misbranding of jams and jellies; misbranding of marmalade. U. S. v. 21 Cases and 82 Jars of Jam, Jelly, and Marmalade. Default decree of condemnation with provision for delivery of fit portion to a charitable institution. (F. & D. no. 37608. Sample nos. 48875-B to 48879-B, incl., to 48881-B to 48885-B, incl., 48887-B, 48889-B to 48891-B, incl.)**

This case involved jellies that were deficient in fruit juice and jams which were deficient in fruit, both products containing more sugar than standard jellies and jams should contain. The products also contained added pectin and in some instances added acid or water or both added acid and added water. Certain of the products, and a lot of marmalade which was also covered by the libel, were short-weight.

On April 24, 1936, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases and 82 jars of jelly, jam, and marmalade at Chester, S. C., alleging that the articles had been shipped in interstate commerce between the dates of February 5, 1935, and November 11, 1935, by Carolina Mushroom Growers, Inc., from Charlotte, N. C., and charging adulteration and misbranding of the jellies and jams and misbranding of marmalade in violation of the Food and Drugs Act as amended. The products were labeled: "Carolina \* \* \* Carolina Mushroom Growers, Inc., Charlotte, N. C.", together with the variety "Pure Red Raspberry Jelly", etc., and the statement of the quantity of the contents.

The jams and jellies were alleged to be adulterated in that sugar, tartaric acid, and pectin in certain lots; sugar, acid, and pectin in certain lots; sugar, acid, pectin, and water in certain lots; and sugar, tartaric acid, pectin, and water in certain lots; had been mixed and packed with the articles so as to reduce or lower their quality; in that mixtures containing said substances and containing less fruit juice or fruit and more sugar than jellies or jams should contain, had been substituted for jellies or jams; and in that the articles had been mixed in a manner whereby inferiority had been concealed.

The jellies and jams were alleged to be misbranded in that the statements on the labels, "Pure Apple Jelly", "Pure Strawberry Jelly", "Jelly Concord Grape", "Jelly Scuppernong Grape Flavor", "Pure Red Raspberry Jelly", "Jelly Apple Flavor", "Pure Quince Jelly", "Pure Crabapple Jelly", "Pure Plum Jelly", or "Pure Seedless Blackberry Jam", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling jellies and jams but containing less fruit juice or fruit than jellies and jams should contain, and excessive sugar. The jams and jellies were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles.

The marmalade and portions of the jams and jellies were alleged to be misbranded in that the statements on the labels, "Net Contents 14 Oz. Av." and "Net Contents 1 Pound", were false and misleading and tended to deceive and mislead the purchaser when applied to products that were short in weight; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 3, 1936, no claimant having appeared, judgment of condemnation was entered. The products having been found to be fit for human consumption, were ordered delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26548. Adulteration of canned asparagus. U. S. v. 275 Cases of Asparagus. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 37821. Sample no. 61951-B.)**

This case involved canned asparagus that was decomposed in part.

On June 16, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 275 cases of canned asparagus at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 30, 1936, by F. M. Ball & Co. from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Premier \* \* \* Fancy Medium Green Asparagus."

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

On September 30, 1936, F. M. Ball & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the cans containing decomposed asparagus be segregated and eliminated.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26549. Adulteration and misbranding of fruit crystals. U. S. v. 5 Cases and 2 Cases of Wonder Fruit Crystals. Default decrees of condemnation and destruction.** (F. & D. nos. 37910, 37911. Sample nos. 8341-C, 8342-C.)

These cases involved products consisting of mixtures of tartaric acid and sugar, artificially colored and slightly flavored with citrus oils, which were represented to be dehydrated orange, lemon, and lime juices, respectively.

On July 24, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of seven cases of assorted orange, lemon, and lime units, Wonder Fruit Crystals at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about July 18 and July 20, 1936, by Molded Products Co., from Buffalo, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were in wax containers molded in the shape of an orange, lemon, or lime and were labeled: (Tag) "Wonder Fruit' Crystals \* \* \* Molded Products Co., Buffalo, N. Y."

The articles were alleged to be adulterated in that mixtures of tartaric acid and sugar, artificially colored and slightly flavored with citrus oils, had been mixed and packed therewith so as to reduce or lower their quality or strength and had been substituted in part for dried orange, lemon, or lime juice, which the articles purported to be; and in that they were mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the following devices, designs, and statements were false and misleading and tended to deceive and mislead the purchaser: The device or design of a molded wax orange, lemon, or lime and the statements, (tag) "\* \* \* Fruit' Crystals"; (display card) "Use Lemons in Iced Tea, for making lemon pie, etc." Misbranding was alleged further in that the articles were offered for sale under the distinctive names of other articles.

On October 26, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26550. Adulteration of canned salmon. U. S. v. Columbia River Packers Association, Inc. Plea of guilty. Fine, \$55.** (F. & D. no. 37929. Sample nos. 41409-B, 43497-B, 47187-B, 49062-B, 49069-B, 49084-B, 50131-B, 50287-B, 50288-B, 50440-B, 51774-B, 52004-B, 52355-B, 52356-B, 52357-B, 52359-B, 52360-B, 52361-B, 52364-B, 52372-B, 52374-B, 52375-B.)

This case involved various shipments of canned salmon that was in part decomposed.

On October 6, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Columbia River Packers Association, Inc., Astoria, Oreg., alleging shipment by said company in violation of the Food and Drugs Act between the dates of August 24, 1935, and October 21, 1935, from the State of Oregon into the States of Minnesota, Massachusetts, Missouri, Nebraska, New York, Pennsylvania, and Iowa, of quantities of canned salmon that was adulterated. Certain lots were labeled "Bear Brand [or "Commerce Brand", "Fishermen's Brand", "Esquimaux Brand", or "West Coast Brand"] \* \* \* Packed by Columbia River Packers Association." The remaining lots were labeled variously: "Rare Treat Brand \* \* \* Paxton and Gallagher Co. Distributors Omaha"; "Heart's Delight Brand \* \* \* Packed for Scoville, Brown & Co., Wellsville, N. Y."; "Big Value Brand Distributors S. Hamill Company, Keokuk, Iowa."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On October 6, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$55.

M. L. WILSON, *Acting Secretary of Agriculture.*