August 28, 1939, to March 18, 1940, from the State of Washington into the State of California, of quantities of blackberry and raspberry preserves that were adulterated. The raspberry preserves were labeled in part: "Sunny Jim Brand * * * Pure Raspberry Preserves."

It was alleged that the blackberry preserves were adulterated in that they consisted in whole and in part of a decomposed substance; and that the raspberry preserves were adulterated in that they consisted in whole and in part of a filthy substance.

On December 9, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50.

1334. Adulteration of preserves. U. S. v. 3½ Cases of Cherry Preserves and 10 Cases of Strawberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 2266. Sample Nos. 7950–E, 7951–E, 7952–E.)

These products were fermenting.

On June 27, 1940, the United States attorney for the District of Arizona filed a libel against 13½ cases of preserves at Holbrook, Ariz., alleging that the articles had been shipped in interstate commerce on or about April 25, 1939, by the Kopper Kettle Preserving Co. from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Armstrong's Pure Cherry [or "Strawberry"] Preserves * * * Packed by J. D. Armstrong Los Angeles, Calif."

On December 30, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1335. Adulteration and misbranding of FruZert. U. S. v. 189 Cases of Pear FruZert and 181 Cases of Peach FruZert. Default decree of condemnation and destruction. (F. D. C. No. 2267. Sample Nos. 9466–E, 9467–E.)

These products were labeled to indicate that they were 100 percent fruit products; whereas they contained added water, sugar, and starch.

On June 25, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 189 cases of Pear FruZert and 181 cases of Peach FruZert at New Orleans, La., alleging that the articles had been shipped in interstate commerce on or about February 7, 1940, by the General Sales Co. from San Francisco, Calif.; and charging that they were adulterated and misbranded. The article was labeled in part: "Pear [or "Peach"] FruZert * * * Prepared by The FruZert Company Richmond, Calif."

The articles were alleged to be adulterated in that mixtures of fruit, water, sugar, and starch had been substituted wholly or in part for "FruZert, a preparation * * * made from ripe pears [or "peaches"]"; in that inferiority had been concealed through the addition of water, sugar, and starch; and in that water, sugar, and starch had been added thereto, or mixed or packed therewith so as to make them appear better or of greater value than they were.

The articles were alleged to be misbranded in that the statements, "Pear FruZert A Preparation * * * Made From Ripe Pears" and "Peach FruZert A Preparation * * * Made From Ripe Peaches," were false and misleading in that they implied 100 percent fruit products; and in that they were fabricated from two or more ingredients and their labels did not bear the common or usual name of each ingredient.

On September 24, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1336. Adulteration and misbranding of Milk of Soya Bean. U. S. v. 2 Cases of Milk of Soya Bean. Default decree of condemnation and destruction. (F. D. C. No. 1704. Sample No. 13603–E.)

This product was a mixture of powdered soya bean and powdered milk.

On March 25, 1940, the United States attorney for the Western District of Washington filed a libel against two cases of powdered milk of soya bean at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by Radcliffe's [Radcliffe Soya Products] from San Francisco, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Original Powdered Milk of Soya Bean Radcliffe Soya Products, San Francisco, Calif."

The article was alleged to be adulterated in that a mixture of powdered soya bean and powdered milk had been substituted wholly or in part for milk of the soya bean.