

adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Sunny Jim Pure Apple Butter."

On June 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2254. Adulteration of lekvar, diced mixed fruit, and apricot jam. U. S. v. 2 Pails of Lekvar, 1 Tin of Carson Diced Mixed Fruit, and 3 Pails of Apricot Jam. Default decree of condemnation and destruction. (F. D. C. No. 4974. Sample Nos. 56687-E to 56689-E, incl.)

Examination of these products showed that they were contaminated with filth, insect fragments having been found in all three, rodent hairs in the lekvar and jam, wood splinters in the lekvar, and metal fragments in the lekvar and diced fruit.

On or about June 24, 1941, the United States attorney for the District of Connecticut filed a libel against the above-named articles at Bridgeport, Conn., alleging that they had been shipped in interstate commerce by Vienna Extract Co., Inc., from Brooklyn, N. Y., the lekvar and diced fruit on or about May 8, 1941, and the jam on or about May 12, 1941; and charging that they were adulterated. They were labeled in part: "D. L. Brand Lekvar Net Weight 60 lbs.," "'Carson' Diced Mixed Fruit * * * 60 lbs. net," and "Pure Apricot Jam * * * 30 pounds."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

2255. Adulteration and misbranding of preserves. U. S. v. 6 Cases, 5 Cases, and 5 Cases of Preserves. Default decree of condemnation and destruction. (F. D. C. No. 5142. Sample Nos. 53910-E to 53912-E, incl.)

These products failed to comply with the requirements set forth in the definition and standard of identity for fruit preserves prescribed by regulations as provided by law. The strawberry preserves were insufficiently cooked, as evidenced by the fact that their soluble solids content was less than 68 percent, and the raspberry and the apricot preserves contained less than 45 percent by weight of fruit.

On July 15, 1941, the United States attorney for the District of Nevada filed a libel against 16 cases, each containing 12 jars, of preserves at Las Vegas, Nev., alleging that the articles had been shipped on or about March 30, 1941, by the Diamond-T Preserving Co. from Los Angeles, Calif.; and charging that they were adulterated and misbranded. They were labeled in part: "D-Lite Brand Pure Strawberry [or "Raspberry" or "Apricot"] Preserves Net Wt. 2#."

The strawberry preserves were alleged to be adulterated in that an insufficiently concentrated mixture of fruit and sugar that contained a smaller percentage of soluble solids than that required in the definition and standard of identity for fruit preserves, had been substituted wholly or in part for strawberry preserves. The raspberry and the apricot preserves were alleged to be adulterated in that articles deficient in fruit had been substituted wholly or in part for raspberry and apricot preserves.

The strawberry preserves were alleged to be misbranded in that the name "Pure Strawberry Preserves" was false and misleading as applied to an article that was insufficiently concentrated, since the soluble solids content of the finished preserve was less than 68 percent. The raspberry and the apricot preserves were alleged to be misbranded (1) in that the names "Pure Raspberry Preserves" and "Pure Apricot Preserves" were false and misleading as applied to articles deficient in fruit; (2) in that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "Imitation," and immediately thereafter the names of the foods imitated; and (3) in that they purported to be foods for which definitions and standards of identity had been prescribed, but failed to conform to such definitions and standards.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2256. Adulteration of strawberry preserves. U. S. v. 74 Cartons of Strawberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 3383. Sample No. 55006-E.)

Examination showed the presence of moldy berries in this product.

On November 18, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 74 cartons, each containing 6 No. 10

cans, of strawberry preserves at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about October 23, 1940, by Hunt Bros. Packing Co. from Puyallup, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Famous Puyallup Brand Pure Fresh Fruit Strawberry Preserves Contents 8 Lbs. Pacific North West Canning Co. Puyallup, Washington, Distributors."

On July 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN FRUITS

2257. Adulteration of frozen cherries. U. S. v. 40 Cans of Frozen Cherries. Default decree of condemnation and destruction. (F. D. C. No. 5242. Sample No. 53172-E.)

Examination showed that this product contained maggots.

On July 28, 1941, the United States attorney for the Southern District of California filed a libel against 40 cans of frozen cherries at Los Angeles, Calif., alleging that the article had been shipped on or about July 19, 1941, by S. A. Moffett Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Can top) "Cherries 10 Lbs. Net."

On August 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2258. Adulteration of frozen strawberries. U. S. v. 10 Barrels of Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 4303. Sample Nos. 47416-E, 47420-E.)

Examination of this product disclosed the presence of moldy berries.

On April 17, 1941, the United States attorney for the Northern District of Illinois filed a libel against 10 barrels of frozen strawberries at Chicago, Ill., alleging that the article had been shipped on or about December 9, 1940, by R. D. Bodie Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Marshall Strawberries."

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS

Nos. 2259 to 2270 report the seizure and disposition of dried fruits (apricots, currants, dates, figs, peaches, pears, prunes, or raisins) that were insect-infested.

2259. Adulteration of dried apricots. U. S. v. 8 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. D. C. No. 4524. Sample No. 22163-E.)

On May 8, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 8 cases of dried apricots at Philadelphia, Pa., alleging that the article had been shipped on or about April 9, 1941, by John Leonard from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: (Cases) "50 Lbs. Net Dried Apricots Unsulphured."

On June 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2260. Adulteration of dried apricots. U. S. v. 50 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. D. C. No. 5330. Sample No. 22639-E.)

Examination of this product disclosed the presence of rodent hairs and excreta as well as insect infestation.

On August 7, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 50 cases, each containing 25 pounds, of dried apricots at Philadelphia, Pa., alleging that the article had been shipped on or about August [July] 7, 1941, by Port of Stockton from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Alma Brand Northern Tilton Slabs Apricots Puccinelli Packing Co. Turlock California."

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.