

in fruit and soluble solids; (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since it was deficient in fruit and soluble solids.

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

2939. Adulteration and misbranding of jams. U. S. v. 273 Cases and 310½ Cases of Jam. Consent decree of condemnation. Products ordered released under bond to be relabeled. (F. D. C. No. 6281. Sample No. 38700-E.)

Examination showed that these products did not contain one of the fruit ingredients required by the standards of identity for apple-strawberry and apple-raspberry jams, namely, apple; and it also failed to contain the proportion of fruit required by the standard.

On November 29, 1941, the United States attorney for the District of Minnesota filed a libel against 273 cases each containing 12 cans of apple-strawberry jam and 310½ cases each containing 12 cans of apple-raspberry jam at Minneapolis, Minn., alleging that the articles had been shipped in interstate commerce on or about April 30, August 14, and September 27, 1941, by Oelerich & Berry Co. from Chicago, Ill.; and charging that they were adulterated and misbranded. They were labeled in part: "Barefoot Boy Apple-Strawberry [or "Apple-Raspberry"] Jam."

The articles were alleged to be adulterated in that an imitation strawberry jam and an imitation raspberry jam had been substituted for apple-strawberry jam and apple-raspberry jam, respectively, as defined in the definition and standard of identity for apple-strawberry jam and apple-raspberry jam prescribed by regulations as provided by law.

They were alleged to be misbranded (1) in that the names "Apple-Strawberry Jam" and "Apple-Raspberry Jam" were false and misleading as applied to an article that did not contain one of the fruit ingredients required by the definition and standard, namely, apple; (2) in that each was offered for sale under the name of another food; (3) in that they were imitations of other foods, i. e., strawberry jam and raspberry jam, as defined in the definition and standard, and their labels failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (4) in that they were represented to be apple-strawberry jam and apple-raspberry jam, foods for which a definition and standard of identity had been prescribed, and they failed to conform to such standard, since they contained less than 45 parts by weight of the fruit ingredient to 55 parts by weight of the saccharine ingredient (as defined in the standard), and since the weight of one of the foods named, i. e., apple, was less than one-fifth of the weight of the combination of fruits named in such foods.

On December 17, 1941, Oelerich & Berry Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2940. Adulteration of strawberry preserves. U. S. v. 190 Cases of Strawberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 5998. Sample No. 61555-E.)

Examination of this product showed the presence of moldy berries.

On October 20, 1941, the United States attorney for the Southern District of New York filed a libel against 190 cases of strawberry preserves at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 16, 1941, by the Tea Garden Products Co. from Seattle, 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: (Jars) "Tea Garden Strawberry Preserves."

On November 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2941. Adulteration of dill pickles. U. S. v. 50 Barrels of Dill Pickles. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6205. Sample No. 54255-E.)

Examination showed that this product contained rodent hair and insect fragments.