MISCELLANEOUS FRUIT PRODUCTS

4663. Adulteration and misbranding of apple butter. U. S. v. California Preserving Co. Plea of guilty. Fine, $500, of which $250 was remitted. (F. D. C. No. 8811. Sample Nos. 14228-F, 14264-F.)

This product contained hairs resembling rodent hairs, failed to conform to the definition and standard of identity for apple butter, and was short weight.

On March 1, 1943, the United States attorney for the Southern District of California filed an information against the California Preserving Co., a corporation, Los Angeles, Calif., alleging shipment on or about May 1, 1942, from the State of California into the State of Arizona of a quantity of apple butter that was adulterated and misbranded. The article was labeled in part, (Jars) "Black and White Pure Apple Butter * * * Haas Baruch & Co. Los Angeles Calif. Distributors."

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

It was alleged to be misbranded (1) in that the statement "Net Wt. 2 Lb. 6 Oz.," borne on the jar labels, was false and misleading since the jars contained less than 2 pounds 6 ounces; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (3) in that the statement "Apple Butter," borne on the cases and jar labels, was false and misleading since it did not conform to the definition and standard of identity for apple butter; and (4) in that it purported to be and was represented as apple butter, a food for which a definition and standard of identity had been promulgated pursuant to regulations as provided by law, but it did not conform to such definition and standard of identity since the soluble solids content of the finished apple butter was less than 43 percent.

On March 22, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250 on each of the 2 counts in the information, but ordered that judgment be satisfied by a payment of $250 on the first count.

4664. Adulteration and misbranding of apple butter. U. S. v. 18 Cases and 9 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 9761. Sample No. 24998-F.)

This product contained rodent hair fragments and insect fragments and failed to meet the standards of identity for apple butter.

On April 8, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 18 cases, each containing 12 1-pound 12-ounce cans and 9 cases, each containing 12 2-pound 6-ounce cans, of apple butter at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about March 18, 1943, by the S. J. Van Lill Co., from Baltimore, Md. The article was labeled in part: (Cans) "Astoria Brand Apple Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions, whereby it may have become contaminated with filth. It was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and a standard of identity had been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since the soluble solids content of the finished product was less than 43 percent.

On May 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4665. Misbranding of apple butter. U. S. v. 19 Cases of Apple Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 7880. Sample No. 88200-E.)

On July 13, 1942, the United States attorney for the Northern District of Texas filed a libel against 19 cases, each containing 24 cans, of apple butter at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about March 27, 1942, by the Morey Mercantile Co., Denver, Colo. The article was labeled in part: (Cans) "Solitaire Apple Butter."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulation promulgated pursuant to law and it failed to conform to such definition and standard of identity since its soluble solids content was less than 43 percent, and it contained caramel coloring, and such regulation requires that the soluble solids content of apple butter be not less than 43 percent, and it does not provide for the use of caramel coloring.