4816. Adulteration of strained apples and apricots. U. S. v. 37 Cases of Strained Apples and Apricots. Default decree of condemnation and destruction. (F. D. C. No. 9349. Sample No. 7977–F.)

This product contained insect fragments, larvae, and larvae fragments.

On February 10, 1942, the United States attorney for the District of Minnesota filed a libel against 37 cases, each containing 24 cans, of strained apples and apricots at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about January 18, 1943, by the Larsen Co. from Green Bay, Wis.; 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: (Can) "Red & White * * * Baby Food Strained Apples & Apricots * * * Red & White Corp'n Distributors Chicago, Ill."

On March 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4817. Misbranding of apple butter. U. S. v. Kuner-Empson Co. Plea of guilty. Fine, $750. (F. D. C. No. 8805. Sample No. 88195–E.)

On February 26, 1943, the United States attorney for the District of Colorado filed an information against Kuner-Empson Co., a corporation at Brighton, Colo., alleging shipment on or about February 28, 1942, from the State of Colorado into the State of Texas, of a quantity of apple butter that was misbranded. The article was labeled in part: "Empson's Apple Butter * * * Packed by Empson Packing Co."

It was alleged to be misbranded 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, and did not conform to such definition and standard of identity, since it had not been concentrated by heat to such a point that the soluble solids content of the finished product was not less than 43 percent as required by such regulations. It was alleged to be misbranded further in that the statement "Apple Butter," borne on the label, was false and misleading, since the article did not conform with the standard and definition for apple butter.

On April 13, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $750.

4818. Misbranding of apple butter. U. S. v. Delta County Canning Co. Plea of guilty. Fine, $100. (F. D. C. No. 8804. Sample Nos. 14224–F, 14225–F.)

On February 26, 1943, the United States attorney for the District of Colorado filed an information against the Delta County Canning Co., a corporation, Delta, Colo., alleging shipment on or about April 6, 1942, from the State of Colorado into the State of Arizona, of quantities of apple butter that was misbranded. The article was labeled in part: "Town Talk * * * Apple Butter Contents 2 Lbs. (or "7 Lbs. 3 Oz.")."

The article was alleged to be misbranded (1) in that it purported to be apple butter, a food for which a definition and standard of identity had been promulgated pursuant to regulations as provided by law, but did not conform to such definition and standard since it had not been concentrated by heat to such a point that the soluble solids content of the finished product was not less than 43 percent, as required by the regulations; (2) in that the statement "Apple Butter" on the label was false and misleading since the article did not conform with the standard and definition for apple butter; (3) in that the statements, "Contents 2 Lbs." and "Net Contents 7 Lbs. 3 Oz." borne on the cans were false and misleading, since the cans contained less than so declared; and (4) in that the article was in package form and did not bear labels containing an accurate statement of the quantity of the contents.

On April 8, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50 on each of the two counts, making a total fine of $100.

4819. Adulteration and misbranding of cider vinegar. U. S. v. 20 Cases and 10 Cases of Cider Vinegar. Consent decree of condemnation. Product delivered to a Federal institution. (F. D. C. No. 9245. Sample No. 15845–F.)

On February 3, 1943, the United States attorney for the District of Wyoming filed a libel against 20 cases, each containing 12 quart bottles, and 10 cases, each containing 24 pint bottles, of vinegar, at Cheyenne, Wyo., alleging that the article had been transported in interstate commerce on or about December 10, 1942, from the Orchard Products Co., Denver, Colo.; and charging that it was adulterated