5023. Adulteration of jellies and preserves. U. S. v. Farmer's Friend Products, Inc., and Louis Bauernfreund, President. Pleas of guilty. Corporation fined $450. Individual defendant sentenced to 90 days in jail on each of the 9 counts, the sencences to run concurrently. After servinng 32 days, individual resentenced to 1 day. (F. D. C. No. 6452. Sample Nos. 69319-E, 69320-E, 69835-E to 69837-E, incl.; 74441-E, 74443-E, 74445-E, 82004-E.)

This product contained human hairs, rodent hairs, fragments of insect bodies, legs, heads, larvae, pomace-fly eggs, thrips, small fragments of metal and paint, splinters, fly maggots, and miscellaneous filth.

On June 29, 1943, the United States attorney for the Eastern District of New York filed an information against the Farmer's Friend Products, Inc., Brooklyn, N. Y., and Louis Bauernfreund, president, alleging shipment within the period from on or about June 28 to July 20, 1941, from the State of New York into the States of New Jersey and South Carolina of quantities of jellies and preserves that were 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 may have become contaminated with filth. The articles were labeled in part: "Mrs. Bauer's Brand Pure Orange Marmalade [or various jellies or preserves]," or Marigold Brand * * * Pure Grape Jelly [or various jellies or preserves] Marigold Grocery Co. Distributors Jersey City, N. J."

On July 22, 1943, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $50 against the corporation on each of the 9 counts contained in the information, and sentenced the individual defendant to 90 days in jail on each of the counts, the jail sentences to run concurrently. On August 24, 1943, 32 days having been served, Louis Bauernfreund was resentenced to 1 day in jail.

5024. Adulteration of fruit peels. U. S. v. Daniel Davis (Orange Products Co.). Plea of guilty. Fine, $500 on count 1 and 3 months in jail on each of remaining counts, the jail sentences to run concurrently. (F. D. C. No. 6488. Sample Nos. 54215-E, 74531-E, 74534-E.)

These products were found to contain rodent hairs, flies, larvae, fragments of insects, and beetles.

On June 29, 1943, the United States attorney for the Eastern District of New York filed an information against Daniel Davis, trading as the Orange Products Co., Brooklyn, N. Y., alleging shipment within the period from on or about August 25 to September 29, 1941, from the State of New York into the States of Pennsylvania and New Jersey of quantities of fruit peels that were 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 may have become contaminated with filth. The articles were labeled in part: "Tutti Fruiti Diced Mixed Fruit Peels," or "Green Grapefruit Peel."

On July 16, 1943, the defendant having entered a plea of guilty, the court imposed a fine of $500 on count 1 and a sentence of 3 months in jail on each of the remaining 2 counts, the jail sentences to be served concurrently.

5025. Adulteration and misbranding of apple spread. U. S. v. 345 Cases and 45 Cases of Apple Spread. Default decrees of condemnation and destruction. (F. D. C. Nos. 9179, 9758. Sample Nos. 3331-F, 8936-F.)

On January 14 and April 13, 1943, the United States attorneys for the Southern District of Texas and the District of Kansas filed libels against 345 cases of apple spread at Houston, Tex., and 45 cases at Wichita, Kans., which had been consigned by the Silverton Canning Co., alleging that the article had been shipped in interstate commerce on or about September 8 and 17, 1942, from Silverton, Oreg.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Table Brand * * * Apple Spread."

The article was alleged to be adulterated in that it contained added poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health.

It 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 prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since it had not been concentrated by heat, as the regulations prescribe, to such point that the soluble solids content of the finished article was not less than 43 percent as determined by the methods prescribed in the regulations; and (2) since its label did not bear the names of the food specified in such definition and standard of identity.

On March 19 and April 13, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.