

SHIPPED: 12-27-63, from Malden, Mass.

LIBELED: 11-23-64, E. Dist. N.Y.

CHARGE: 402(b) (2)—while held for sale, added soluble solids other than red currant concentrate had been substituted in part for the article; 402(b) (4)—soluble solids other than red currant concentrate had been added to the article so as to make it appear better than it was; and 403(a)—the label statement "Red Currant Concentrate 65° Brix," was false and misleading as applied to a product containing added soluble solids.

DISPOSITION: 1-15-65. Default—destruction.

30367. Fruit sirups, jellies, and preserves. (F.D.C. No. 50889. S. Nos. 65-484/6 A, 65-490 A, 65-492/3 A, 65-495 A.)

QUANTITY: 69 ctns., each containing 12 btls. of blackberry fresh fruit sirup, 42 ctns., each containing 12 btls. of red raspberry fresh fruit sirup, 23 ctns., each containing 12 btls. of wild Canadian blueberry fresh fruit sirup, 21 ctns., each containing 12 jars of mint jelly, 44 ctns., each containing 12 jars of dietetic red raspberry preserves, 22 ctns., each containing 12 jars of dietetic wild Canadian blueberry preserves, and 121 ctns., each containing 12 jars of strawberry preserves, at Los Angeles, Calif.

SHIPPED: Between 4-11-63 and 11-16-64, from Portland, Oreg., by the Dickinson Family.

LABEL IN PART: (Btls.) "Dickinson's Custom Made Wild Coast Blackberry Fresh Fruit Syrup * * * 12 Fl. Ozs. Net Weight 1 Lb.," "Dickinson's Custom Made Red Raspberry Fresh Fruit Syrup * * * 12 Fl. Ozs. Net Weight 1 Lb." and "Dickinson's Custom Made Wild Canadian Blueberry Fresh Fruit Syrup * * * 12 Fl. Ozs. Net Weight 1 Lb.," (jars) "Dickinson's Custom Made Mint Jelly * * * Net Weight 12 Ounces," "Dickinson's Custom Made Dietetic Red Raspberry Preserves Net Weight 9½ Ozs.," "Dickinson's Custom Made Dietetic Wild Canadian Blueberry Preserves Net Weight 9½ Ozs." and "Dickinson's Custom Made Fancy Marshall Strawberry Preserves Net Wt. 12 Ounces"; and (btls. and jars) "The Dickinson Family * * * Portland 1, Oreg."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight. Blackberry fruit sirup was approximately 5.6 percent, red raspberry fruit sirup was approximately 4.5 percent, blueberry fruit sirup was approximately 6 percent, mint jelly was approximately 2.1 percent, red raspberry preserves was approximately 3.4 percent, blueberry preserves was approximately 2.7 percent, and strawberry preserves was approximately 1.3 percent short weight.

LIBELED: 12-23-64, S. Dist. Calif.

CHARGE: 403(e) (2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of the contents since the label statements (blackberry fruit sirup) "Net Weight 1 Lb.," (red raspberry fruit sirup) "Net Weight 1 Lb.," (blueberry fruit sirup) "Net Weight 1 Lb.," (mint jelly) "Net Weight 12 Ounces," (red raspberry preserves) "Net Weight 9½ Ozs.," (blueberry preserves) "Net Weight 9½ Ozs.," and (strawberry preserves) "Net Wt. 12 Ounces" were inaccurate.

DISPOSITION: 1-28-65. Consent—claimed by the Dickinson Co., Portland, Oreg., for relabeling.