

DISPOSITION: 11-26-62. Consent—claimed by Ruby's Jams & Jellies, and re-labeled.

28658. Glaced fruit and fruit peel. (F.D.C. No. 48272. S. Nos. 9-661/3 V, 9-665 V, 9-671/3 V.)

QUANTITY: 1,500 lbs. of citron, 1,500 lbs. of mixed fruit, 8,400 lbs. of orange peel, 700 lbs. of grapefruit peel, and 2,500 lbs. of citron melon, at North East, Pa., in possession of Ohio Fruit Products Co., Inc.

SHIPPED: Between 9-9-61 and 10-5-62, from Lakeland, Winter Haven, and unknown places in Florida, and from Sunnyvale, Calif.

LABELED: 11-5-62, W. Dist. Pa.

CHARGE: 402(a) (3)—contained insects and insect fragments; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 11-27-62. Default—destruction.

28659. Strawberry topping. (F.D.C. No. 48093. S. No. 77-371 T.)

QUANTITY: 10 cases, 6 ½-gal. jars each, at Asheville, N.C., in possession of Crown Jewel Corp.

SHIPPED: Strawberry ingredient of the article shipped 4-25-62, from San Antonio, Tex., and color ingredient shipped between 1-22-59 and 5-25-60, from New York, N.Y.

LABEL IN PART: (Jar) "Crown Jewel Strawberry Topping Strawberries, Sugar, Corn Syrup, 1/10 of 1% Sodium Benzoate, Certified Color, Citric Acid. Manufactured by The Crown Jewel Corporation, Asheville, N.C."

RESULTS OF INVESTIGATION: The article was prepared and packed by the dealer from various ingredients shipped as above. Examination showed that the article contained External D&C Red No. 15, a color which as FD&C Red No. 1 had been delisted from Section 8.501(a) of the provisional list of color-additives, Color Additives Amendment of 1960, and certificate for which had been canceled.

LABELED: 9-7-62, W. Dist. N.C.

CHARGE: 402(c)—while held for sale, the article contained a color additive, namely, External D&C Red No. 15 (formerly FD&C Red No. 1), which was unsafe within the meaning of Section 706(a) since its use or intended use in food was not in conformity with a regulation or exemption in effect pursuant to 706; and 403(a)—the label statement "Certified Color" was false and misleading for an article containing a color additive, namely, External D&C Red No. 15, for which certification was not effective for use in food.

DISPOSITION: 11-2-62. Default—destruction.

#### VEGETABLES AND VEGETABLE PRODUCTS

28660. Cabbage. (F.D.C. No. 48335. S. No. 33-008 V.)

QUANTITY: 419 50-lb. bags, at Fort Smith, Ark.

SHIPPED: 10-16-62, from Hayward, Minn., by Noland Bros.

LABEL IN PART: (Bag) "New Cabbage Produce of U.S.A."

LABELED: 10-23-62, W. Dist. Ark.

CHARGE: 402(a) (2) (B)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, endrin, which was