

6715. Adulteration of apples. U. S. v. 652 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond to be rewashed. (F. D. C. No. 10805. Sample No. 48213-F.)

LIBEL FILED: September 7, 1943; amended libel filed September 8, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 26, 1943, by Illinois Fruit Growers, Ozark, Ill.

PRODUCT: 652 bushels of Apples at Cleveland, Ohio.

LABEL, IN PART: "Jonathan Ill. U. S. No. 1 2¼ inch Min. Grown and Packed by Gram Orchards, Ozark, Ill."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: September 16, 1943. The Illinois Fruit Growers Exchange, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be rewashed under the supervision of the Food and Drug Administration.

6716. Adulteration of frozen blackberries. U. S. v. 316 Cases and 694 Cases of Frozen Blackberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 12186, 12187. Sample Nos. 29858-F, 29859-F.)

LIBELS FILED: April 14 and 15, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about December 3, 1943, by Flint & Fulton, Inc., from Asbury Park and Jersey City, N. J.

PRODUCT: Frozen blackberries, 316 cases and 694 cases, each containing 30 pounds, at San Francisco and San Jose, Calif., respectively.
This product consisted of moldy and decomposed berries.

LABEL, IN PART: (Cases) "Tennessee Wild Blackberries Packed By Frozen Products Corp. Knoxville, Tenn."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 20, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT PRODUCTS

6717. Adulteration of grape jam. U. S. v. 1,198 Cases, 1,198 Cases, and 968 Cases of Grape Jam. Product ordered released under bond. (F. D. C. No. 10022. Sample Nos. 24743-F to 24745-F, incl.)

LIBEL FILED: May 28, 1943, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 8 and 9, 1943, by the Richardson Corporation, from Rochester, N. Y.

PRODUCT: 3,364 cases, each containing 6 No. 10 cans, of grape jam at Norfolk, Va.

LABEL, IN PART: (Cans) "Richardson Rochester * * * Grape Jam."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it contained maggots, rodent hair fragments, and insect fragments.

DISPOSITION: July 27, 1943. The Richardson Corporation having appeared as claimant, the product was ordered released under bond, conditioned that the claimant segregate such portion as might be fit for human consumption, under the supervision of the Food and Drug Administration.

6718. Misbranding of apple jelly. U. S. v. 197 Cases of Apple Jelly. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12144. Sample No. 63213-F.)

LIBEL FILED: April 5, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: On or about February 17, 1944, by the Green Brothers, Inc., from Miami, Fla.

PRODUCT: 197 cases, each containing 24 1-pound jars, of apple jelly at Spartanburg, S. C.

LABEL, IN PART: "Florida Sunland Apple Jelly * * * Net Wt. 1 Lb. Florida Sunland Foods, Inc., Miami."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Wt. 1 Lb." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

6719. Adulteration and misbranding of marmalade. U. S. v. 56 Cases and 86 Jars and 59 Jars of Marmalade. Default decrees of condemnation and destruction. (F. D. C. Nos. 12135, 12917. Sample Nos. 51187-F, 51192-F, 81907-F, 81908-F.)

LIBELS FILED: April 1, 1944, Eastern District of Pennsylvania; July 13, 1944, Southern District of New York.

ALLEGED SHIPMENT: From on or about October 4, 1943, to February; 27, 1944, by the Bonita Fruit Preserving Co., Miami, Fla.

PRODUCT: Marmalade: 56 cases, each containing 12 2-pound jars, at Philadelphia, Pa., and 145 1-pound jars at New York, N. Y.

LABEL, IN PART: (Jars, Philadelphia lot) "Bonita Pure [or "Bonita Brand"] Papaya Marmalade * * * Net Wt. 2 Lbs. [or "2 Lb."]; (jars, New York lots) "Bonita Brand Orange Cherry Marmalade [design of whole oranges and cherries] Sliced Whole Oranges, Sugar, Maraschino Cherries, Fruit Acid, and Citrus Pectin," "Bonita Brand Pure Grapefruit Cherry Marmalade [design of whole grapefruit and cherries]," or "Bonita Pure Grapefruit Cherry Marmalade [design of whole grapefruit]."

VIOLATIONS CHARGED: Adulteration (Philadelphia lot), Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; (New York lot) Section 402 (b) (1), valuable constituents, orange pulp and cherries, or grapefruit pulp and cherries, had been in whole or in part omitted; Section 402 (b) (2), a substance consisting essentially of an artificially-colored mixture of citrus peel, sugar, and water, deficient in soluble solids, had been substituted for "Orange Cherry Marmalade," or "Grapefruit Cherry Marmalade," which the article was represented to be; Section 402 (b) (3), inferiority in cherry content had been concealed through the use of red artificial coloring; and, Section 402 (b) (4), artificial coloring and water had been added to the article and mixed and packed with it so as to reduce its quality and make it appear better or of greater value than it was.

Misbranding (Philadelphia lot), Section 403 (a), the statements "Net Wt. 2 Lbs." and "Net Wt. 2 Lb." were false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label which contained an accurate statement of the quantity of the contents; (New York lots) Section 403 (a), the statements and designs on the labels were misleading; Section 403 (c), the product was an imitation of another food, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and, Section 403 (k), it contained artificial coloring and failed to bear labeling which stated that fact.

DISPOSITION: April 26 and August 11, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed, with the exception of 6 jars of each brand of the New York lot, which were ordered delivered to the Food and Drug Administration. The jars and cartons of the Philadelphia lot were salvaged by the Food and Drug Administration for laboratory use, after destruction of the contents.

6720. Adulteration of fig pulp. U. S. v. 2,410 Cartons of Fig Pulp. Consent decree of condemnation. Product ordered released under bond to be used in distillation (F. D. C. No. 11758. Sample No. 49643-F.)

LIBEL FILED: February 5, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about December 18, 1943, by the Kadota Fig Association, from Ogden, Utah.

PRODUCT: 2,410 cartons of fig pulp at Rochester, N. Y.

Examination showed that the article was sour.

LABEL, IN PART: "Parch-Pakt Frozen R. D. Pringle Co. Distributors Denver Colorado."