

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."

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

DISPOSITION: June 20, 1944. The Kadota Fig Association of Producers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be used in distillation, under the supervision of the Food and Drug Administration.

6721. Misbranding of canned fruit mix. U. S. v. 199 Cases of Canned Fruit Mix. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11803. Sample No. 30338-F.)

LIBEL FILED: February 14, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 20, 1944, by Tiedemann & McMorran, from Alameda, Calif.

PRODUCT: 199 cases, each containing 24 1-pound, 12-ounce cans, of fruit mix at Boston, Mass.

LABEL, IN PART: (Cans) "Val Vita Brand Fruit Mix."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement borne on the label, "Fruit Mix in Heavy Syrup Consists of Yellow Cling Peaches, Bartlett Pears and Seedless Grapes," together with a vignette representing the peaches and Bartlett pears to be in relatively large, regular-shaped pieces, was false and misleading since the product consisted of small, irregular-shaped pieces of peaches and pears and whole grapes packed in light sirup.

DISPOSITION: May 3, 1944. Henry B. Tiedemann and Russell W. McMorran, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6722. Adulteration of glacé fruit. U. S. v. 26 Boxes of Glacé Fruit. Default decree of condemnation and destruction. (F. D. C. No. 11739. Sample No. 70500-F.)

LIBEL FILED: On or about February 17, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about November 30, 1943, by Townsend's California Glacé Fruits Corporation, from San Francisco, Calif.

PRODUCT: 26 4-pound boxes of glacé fruit at Portland, Oreg.

LABEL, IN PART: "California Glacé Fruit."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hairs, and hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6723. Adulteration and misbranding of vinegar. U. S. v. The Speas Co. and John D. Waugh. Pleas of nolo contendere. Fine of \$3,800 for each defendant. (F. D. C. No. 10558. Sample Nos. 3162-F, 3170-F, 13727-F, 15936-F, 15937-F, 27726-F, 36049-F, 36057-F, 36061-F to 36063-F, incl., 36072-F.)

INFORMATION FILED: On November 9, 1943, in the District of Colorado, against the Speas Co., a corporation, and John D. Waugh, Denver, Colo.

ALLEGED SHIPMENT: Between the approximate dates of September 9, 1942, and February 2, 1943, by the defendants, from the State of Colorado into the States of Nebraska, California, and Wyoming; and between the approximate dates of February 15 and March 12, 1943, by the Morey Mercantile Co., into the State of Wyoming. The latter firm had a guaranty, dated June 27, 1939, and signed by the defendant, stipulating that the product was neither adulterated nor misbranded.

LABEL, IN PART: (Barrels) "Sixty Grain [or "ASHER BRAND"] Apple Cider Vinegar," or "Apple Cider Vinegar * * * Packed for Walter Schultz Co. Casper, Wyo."; (bottles) "Solitaire * * * Apple Cider Vinegar"; (jugs) "Fermented Apple Cider."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance containing volatile acids derived from sources other than apple cider vinegar had been substituted in whole or in part for the article; and, Section 402 (b) (4), such substance had been added to the article or had been mixed or packed with it so as to reduce its quality.