

LABEL, IN PART: "Nature's Own Pure Raspberry Jam [or "Preserve"]," or "Magnetic Quality Holds Brand * * * Pure Raspberry Preserves Magnetic Products New York Distributors," or "Sonripe Brand Top Notch Pure Raspberry Preserve * * * Sun Distributing Co., Inc. Distributors, Lyndhurst, N. J."

VIOLATION CHARGED: Misbranding, Section 403 (g), the articles failed to conform to the definitions and standards of identity for preserves and jams, since they had not been made from mixtures containing at least 45 parts by weight of the fruit ingredient, raspberry, to each 55 parts by weight of one of the optional saccharine ingredients specified in the regulations, as required by the definitions and standards.

DISPOSITION: April 14, 1944. Pleas of guilty having been entered on behalf of the defendants on March 28, 1944, each defendant was fined \$500 on each count, for a total of \$5,500 each. The fine against the individual defendant was suspended, and he was placed on probation for a period of 2 years. On June 26, 1944, the fine against the corporation was reduced to \$300 on each count, making a total fine of \$3,300.

6944. Adulteration and misbranding of jellies. U. S. v. 114 Jars of Raspberry Flavored Jelly and 66 Jars of Cherry Flavored Jelly. Default decree of forfeiture. Products ordered delivered to charitable institutions. (F. D. C. No. 12030. Sample Nos. 55047-F, 55048-F.)

LIBEL FILED: April 4, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 14, 1943, by August C. Kirchoff, Chicago, Ill.

PRODUCT: 114 jars of raspberry-flavored jelly and 66 jars of cherry-flavored jelly at Hammond, Ind.

Analysis showed that the articles contained little or no actual fruit juice and were deficient in soluble solids. They were artificially flavored and colored and contained an acidifier, phosphoric acid. The cherry-flavored jelly contained sodium benzoate. Both products were short-weight.

LABEL, IN PART: (Jars) "Katy's Sun Ripe Net Weight 16 ozs. Raspberry Flavored Jelly * * * Bottled By Katy's Kitchen * * * Chicago, Ill.," or "Katy's Sun Ripe Cherry Flavored Jelly * * * Net Wt. 16 ozs. Packed by Katy's Kitchen Chicago, Ill."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), artificially flavored and colored products, deficient in soluble solids, containing little or no actual fruit juice, and containing an acidifier, had been substituted for raspberry and cherry jellies, which the articles purported to be.

Misbranding, Section 403 (a), the names, "Sun Ripe Raspberry Flavored Jelly" and "Sun Ripe Cherry Flavored Jelly," were false and misleading as applied to the articles, which failed to conform to the definitions and standards of identity for jellies prescribed by the regulations; the statements, "Net Weight 16 ozs." or "Net Wt. 16 Ozs." were false and misleading as applied to products which were short-weight, and (cherry flavor) the statement, "Contains * * * Juice of Cherry," was misleading since the article contained little or no cherry juice; Section 403 (e) (2), the articles were in package form and failed to bear labels containing an accurate statement of the quantity of the contents, and the statement was not expressed in terms of the largest unit; Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity since they contained less than 45 parts by weight of the applicable fruit juice ingredient to each 55 parts by weight of the saccharine ingredient; and, Section 403 (k), the cherry-flavored jelly contained artificial coloring and a chemical preservative, and failed to bear labeling stating that fact.

DISPOSITION: August 2, 1944. No claimant having appeared, judgment of forfeiture was entered and the products were ordered delivered to charitable institutions.

6945. Adulteration and misbranding of raspberry jelly and blackberry preserves. U. S. v. 31 Cases of Raspberry Jelly and 24 Cartons of Blackberry Preserves. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12234. Sample Nos. 54171-F, 54172-F.)

LIBEL FILED: On or about April 27, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about February 11, 1944, by the Kopper Kettle Preserving Co., Los Angeles, Calif.

PRODUCT: 31 cases, each containing 24 1-pound jars, of red raspberry jelly and 24 cartons, each containing 12 2-pound jars, of blackberry preserves at Phoenix, Ariz.