

8041. Adulteration of fig paste. U. S. v. 411 Boxes of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12734. Sample No. 80419-F.)

LIBEL FILED: June 24, 1944, Southern District of Illinois.

ALLEGED SHIPMENT: On or about February 17, 1944, by the Fresno Home Packing Co., from Fresno, Calif.

PRODUCT: 411 80-pound boxes of fig paste at Peoria, Ill.

VIOLATION 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, larvae, pupae, and insect fragments.

DISPOSITION: November 8, 1944. Koligian Brothers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into commercial alcohol, under the supervision of the Food and Drug Administration and the Alcohol Tax Unit.

8042. Misbranding of canned fruit cocktail. U. S. v. 200 Cases of Canned Fruit Cocktail. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11451. Sample No. 29761-F.)

LIBEL FILED: December 20, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 21, 1943, by the Hunt Bros. Packing Co., from San Francisco, Calif.

PRODUCT: 200 cases, each containing 24 cans, of fruit cocktail, at Long Island City, N. Y.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Fruit Cocktail."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the term "Fancy" was false and misleading since the product was not fancy because of the presence of pear calyxes and core material, broken pieces of peach pits, and numerous large, partly cut pieces of pears and peaches; and, Section 403 (g) (1), the product failed to conform to the definition and standard for canned fruit cocktail since the definition and standard requires that canned fruit cocktail shall contain not less than 2 percent of one of the optional cherry ingredients, i. e., cherries artificially colored red, whereas the product contained less than 2 percent of cherries artificially colored red.

DISPOSITION: January 17, 1945. The Hunt Bros. Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

8043. Adulteration and misbranding of strawberry jam and red raspberry jam. U. S. v. 92 Jars of Red Raspberry Jam (and 3 other seizure actions against red raspberry jam and strawberry jam). Decrees of condemnation. One lot ordered destroyed; remaining lots ordered released under bond. (F. D. C. Nos. 13309, 13626, 13628, 14900. Sample Nos. 52715-F, 52736-F, 88341-F, 88554-F.)

LIBELS FILED: Between August 7, 1944, and January 5, 1945, District of Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of June 9 and September 21, 1944, by the Mactavish Preserves Co., Inc., Brooklyn and Long Island City, N. Y.

PRODUCT: Red raspberry jam: 103 cases, each containing 24 1-pound jars, at Boston, Mass, 7 cases, each containing 24 1-pound jars, at Fitchburg, Mass., and 92 1-pound jars at Jamaica Plain, Mass.; strawberry jam: 19 cases, each containing 24 1-pound jars, at Somerville, Mass. Analysis showed that all lots of the articles were deficient in fruit, and, in addition, the Fitchburg lot contained less than 68 percent of soluble solids, the Boston and Somerville lots contained added water, and the Jamaica Plain lot contained added water and phosphoric acid or acid phosphate, and less than 68 percent of soluble solids.

LABEL, IN PART: (Jars) "Mactavish Pure Red Raspberry [or "Strawberry"] Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), articles deficient in fruit and of the composition previously stated had been substituted in whole or in part for red raspberry jam and strawberry jam, foods for which definitions and standards of identity have been prescribed by the regulations; and, Section 402 (b) (1), (Jamaica Plain lot) a valuable constituent, raspberries, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity since all lots were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients; the Jamaica Plain and Fitchburg lots had not been concentrated by heat to such point that the soluble solids content of the finished article was not less than 68 percent; and the Jamaica Plain lot contained added water and phosphoric acid or acid phosphate; and, Section 403 (a), (Jamaica Plain lot) the name "Red Raspberry Jam" was false and misleading.

DISPOSITION: November 17, 1944. The Mactavish Preserves Co., claimant for the Jamaica Plain, Boston, and Somerville lots, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. On February 19, 1945, no claimant having appeared for the Fitchburg lot, judgment of condemnation was entered and the product was ordered destroyed.

8044. Adulteration and misbranding of blackberry jam. U. S. v. 50 Cases and 25 Cases of Blackberry Jam. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14046, 14445. Sample Nos. 71382-F, 71384-F.)

LIBELS FILED: On or about October 30, 1944, and January 13, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about September 1 and 8, 1944, by Inez McDonald, from Grass Valley, Calif.

PRODUCT: 75 cases, each containing 24 1-pound, 4-ounce jars, of blackberry jam at Portland, Oreg. Examination showed that the article was moldy.

LABEL, IN PART: (Jars) "Home Made Pure Fruit Product Wild Blackberry Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), a product of less than 68 percent soluble solids content had been substituted in whole or in part for blackberry jam, a food for which a definition and standard of identity has been prescribed by the regulations.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity since the blackberry jam was not concentrated by heat to such a point that the soluble solids content of the finished jam was not less than 68 percent.

DISPOSITION: December 6, 1944, and February 17, 1945. The Northwest Grocery Co., Portland, Oreg., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8045. Adulteration of raisins. U. S. v. 79 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 13852. Sample No. 63919-F.)

LIBEL FILED: October 4, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about May 29, 1944, by the California Packing Corporation, from Fresno, Calif.

PRODUCT: 79 30-pound cartons of raisins at Jacksonville, Fla.

LABEL, IN PART: (Cartons) "Luxury Brand Extra Fancy Golden Bleached Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested raisins.

DISPOSITION: December 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VEGETABLES

8046. Adulteration of canned beans with pork and tomato sauce. U. S. v. 199 Cases of Canned Beans With Pork. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14192. Sample No. 75942-F.)

LIBEL FILED: November 6, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 23, 1944, by the Phillips Packing Co., Inc., from Cambridge, Md.