

8424. Adulteration and misbranding of raspberry and strawberry jams. U. S. v. 31 Cases of Strawberry Jams and 15 Cases of Raspberry Jam. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14400. Sample Nos. 88149-F, 88150-F.)

LIBEL FILED: November 13, 1944, District of Maine.

ALLEGED SHIPMENT: Between the approximate dates of September 22 and October 5, 1944, by the J. G. Generalis Co., from Boston, Mass.

PRODUCT: 28 cases, each containing 48 jars, and 3 cases, each containing 24 jars, of strawberry jam; and 14 cases, each containing 24 jars, and 1 case containing 48 jars, of raspberry jam at Portland, Maine.

LABEL, IN PART: "Victory V Seal Strawberry Jam [or "Raspberry Jam"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), products deficient in fruit, insufficiently concentrated, and containing added water and phosphoric acid or acid phosphate, and artificial color and flavor, had been substituted in whole or in part for strawberry jam and raspberry jam as defined by the regulations; and, Section 402 (b) (4), artificial color and flavor had been added to or mixed or packed with the products so as to make them appear better or of greater value than they were.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity prescribed by the regulations for strawberry jam and raspberry jam since the jams were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredient; they were not concentrated to the point where their soluble solids content amounted to at least 68 percent; and they contained phosphoric acid or acid phosphate and artificial color and flavor.

DISPOSITION: On February 2, 1945, judgment of condemnation and forfeiture was entered. On March 3, 1945, the court ordered the products released under bond to the claimant, J. G. Generalis, trading as the J. G. Generalis Co., conditioned that the jams be relabeled under the supervision of the Food and Drug Administration.

MISCELLANEOUS FRUIT PRODUCTS

8425. Action to enjoin and restrain the interstate shipment of adulterated grape pulp and products made from adulterated grape pulp. U. S. v. George W. Haxton & Son, Inc., et al. Consent decree granting permanent injunction against shipment in interstate commerce of all unfit portions of the product, but permitting the shipment of any fit portions. (Inj. No. 48.)

COMPLAINT FILED: February 1, 1943, Western District of New York, against George W. Haxton & Son, Inc., Oakfield, N. Y., and G. Sherwin Haxton, president, E. A. Thornton, vice-president, W. R. Hall, secretary, and H. W. Ruhlman, treasurer, of George W. Haxton & Son, Inc.; the Morton Cold Storage Co., Inc., Morton, N. Y.; the Sodus Cold Storage Co., Sodus, N. Y.; the Williamson Storage and Ice Co., Inc., Williamson, N. Y.; the Middleport Cold Storage Co., Inc., Middleport, N. Y.; the Buffalo Cold Storage Co., Buffalo, N. Y.; the Ontario Storage Corp., Ontario, N. Y.; the W. M. Storage Corp., Wallington, N. Y.; and the J. Hungerford Smith Co., Rochester, N. Y.

NATURE OF CHARGE: That on September 24, 1942, and prior thereto, and continuing thereafter throughout the grape season of 1942, and ending prior to the date of filing the complaint, George W. Haxton & Son, Inc., had been engaged in manufacturing and shipping in interstate commerce grape pulp made from grapes that were in part moldy, decomposed, and infested with maggots; that practically all samples of the grape pulp were found to be contaminated with maggots, insect fragments, and insects; and that the grape pulp was adulterated in violation of Section 402 (a) (3) since it consisted in whole or in part of a filthy, putrid, and decomposed substance. The complaint further charged that quantities of the grape pulp were stored with the above-named storage companies for shipment in interstate commerce, and that the defendant J. Hungerford Smith Co., a manufacturer of grape products, had received a quantity of the grape pulp from one of the storage companies for use in the manufacture of sirups and other articles of food and the subsequent shipment thereof in interstate commerce.

PRAYER OF COMPLAINT: That an injunction issue restraining the defendants from shipping the adulterated grape pulp in interstate commerce and also restraining the J. Hungerford Smith Co. from shipping in interstate commerce any food product manufactured from such grape pulp.

DISPOSITION: February 1, 1943. The defendants were ordered to show cause why a preliminary injunction should not be issued, pending the trial and the