ALLEGED SHIPMENT: On or about July 5, 1946, by the Joseph Kiser Co., from Santa Clara, Calif.

PRODUCT: 77 cases, each containing 24 14-ounce packages, of frozen cherries at Minneapolis, Minn.

LABEL, IN PART: "Pacific Queen Dark Sweet Frozen Cherries With Added Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk and weight.

Misbranding, Section 403 (a), the label statement "Frozen Cherries With Added Sugar" was false and misleading as applied to an article containing added water; and, Section 403 (i) (2), the article failed to bear a label containing the common or usual name of each ingredient, since the water was not declared.

DISPOSITION: February 19, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

11784. Adulteration of frozen strawberries. U. S. v. 200 Cases (and 2 other seizure actions). (F. D. C. Nos. 21368, 21825, 22902. Sample Nos. 61645–H, 65825–H, 65828–H, 81222–H.)

LIBELS FILED: October 29 and December 4, 1946, and April 7, 1947, District of Minnesota, Eastern District of Michigan, and District of New Jersey.

ALLEGED SHIPMENT: On or about October 1 and 21 and November 5, 1946, by the R. D. Bodle Co., from Seattle and Ballard, Wash.

PRODUCT: Frozen strawberries. 200 cases at Minneapolis, Minn., 99 cases at Detroit, Mich., and 140 cases at Camden, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed and moldy berries.

DISPOSITION: March 18 and 25 and June 28, 1947. The R. D. Bodle Co., claimant for the lots at Minneapolis and Camden, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed. A default decree of condemnation was entered with respect to the Detroit lot, and this lot was ordered destroyed by disposition as animal feed.

MISCELLANEOUS FRUIT PRODUCTS

11785. Misbranding of jellies. U. S. v. Royal Palm Kitchens and Adolph C. Kordick. Pleas of nolo contendere. Fine, $150 and costs. (F. D. C. No. 21515. Sample Nos. 35467–H to 35472–H, incl.)

INFORMATION FILED: January 2, 1947, Northern District of Illinois, against Royal Palm Kitchens, a partnership, Chicago, Ill., and Adolph C. Kordick, a partner.

ALLEGED SHIPMENT: On or about April 11, 1946, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "Royal Palm Pure Concord Grape [or "Plum," "Black Raspberry," "Strawberry," "Crabapple," or "Blackberry"] Jelly."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the articles failed to conform to the definition and standard of identity for fruit jellies in that they contained less than 45 parts by weight of fruit juice to each 55 parts by weight of one of the optional saccharine ingredients; with the exception of the plum jelly, they had been insufficiently concentrated and contained added water; and the grape, black raspberry, and blackberry jellies contained phosphoric acid, or acid phosphate, which are not permitted as optional ingredients of jellies by the definition and standard.

DISPOSITION: February 4, 1947. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $25 jointly against both defendants on each of the 6 counts.

11786. Adulteration and misbranding of apple butter. U. S. v. 406 Cases * * *. (F. D. C. No. 21224. Sample No. 64325–H.)

LIBEL FILED: October 8, 1946, Southern District of New York.