DISPOSITION: October 6, 1947. M. J. Kellner Co., claimant, having consented to the entry of a decree, 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.

12349. Adulteration and misbranding of grape jelly. U. S. v. 248 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 23174, 23489, 23490. Sample Nos. 74881–H, 74883–H, 91357–H.)

LIBELS FILED: June 9 and July 15, 1947, Eastern District of New York and District of Rhode Island.

ALLEGED SHIPMENT: On or about March 27 and May 22, 1947, by Cape Cod Farms, Inc., from Hyannis, Mass.

PRODUCT: 248 cases and 62 cases of grape jelly at Brooklyn, N. Y., and Providence, R. I., respectively. Each case contained 24 jars.

LABEL, IN PART: (Jars) "Clifton's Contents 1 Lb. Grape Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit juice had been substituted in whole or in part for grape jelly.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for grape jelly since it was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard; and, Section 403 (e) (2), the article in the Rhode Island lots failed to bear a label containing an accurate statement of the quantity of contents. (The article was short-weight.)

DISPOSITION: September 19 and October 2, 1947. The Cape Cod Farms, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for reprocessing and relabeling, under the supervision of the Federal Security Agency.

12350. Adulteration and misbranding of grape jelly. U. S. v. 25 Cases * * *. (F. D. C. No. 23141. Sample No. 41384–H.)

LIBEL FILED: June 2, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 1, 1947, by Edw. S. Ridgway and Co., from Salem, Ill.

PRODUCT: 25 cases, each containing 24 12-ounce jars, of grape jelly at St. Louis, Mo.

LABEL, IN PART: "Westwood Brand Old Fashioned Grape Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water and artificial coloring had been substituted in whole or in part for grape jelly.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for grape jelly, since the regulations do not permit the use of added water and artificial color.

DISPOSITION: June 30, 1947. Default decree of condemnation. Product ordered delivered to charitable institutions.

12351. Adulteration of preserves. U. S. v. 3 Cases, etc. (F. D. C. No. 23466. Sample Nos. 66384–H, 66385–H, 66387–H, 66388–H.)

LIBEL FILED: July 11, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about March 3 and 18, and April 19 and 29, 1947, by Food Fair Stores, Inc., from Philadelphia, Pa.

PRODUCT: 3 cases, each containing 24 16-ounce jars, of pineapple-apricot preserves; 9 16-ounce jars of raspberry preserves; 8 16-ounce jars of boysenberry preserves; and 6 15-ounce jars of strawberry preserves, at Camden, N. J.

LABEL, IN PART: (Jars) "Mrs. Hoffman's 100% Pure Pine. Apricot [or "Raspberry," "Boysenberry," or "Strawberry"] Preserves Contents 16 [or "15"] Oz. Avd."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products having a soluble solids content of less than 65 percent, in the case of the pineapple-apricot variety, and less than 68 percent, in the case of the other varieties, had