

PRODUCT: 20 barrels, each containing 435 pounds, of frozen red raspberries at Oakland, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of flies, larvae, and other insects.

DISPOSITION: June 18, 1948. Default decree of condemnation and destruction.

13301. Misbranding of frozen elderberries. U. S. v. 527 Cans * * *. (F. D. C. No. 24692. Sample No. 12269-K.)

LIBEL FILED: On or about April 5, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about September 25, 1944, by Sky Brothers, from Altoona, Pa.

PRODUCT: 527 cans, each containing approximately 24 pounds, of elderberries at Avalon, N. J.

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement "Whole Eggs" borne on the cans was false and misleading, since the product was decomposed elderberries; Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the article.

DISPOSITION: May 21, 1948. Default decree of condemnation and destruction.

JELLY AND FRUIT BUTTER*

13302. Adulteration and misbranding of jelly. U. S. v. 5 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 23729, 23730. Sample Nos. 61087-H to 61089-H, incl., 61092-H to 61094-H, incl.)

LIBELS FILED: September 26, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about August 14 and 21, 1947, by the Keller Food Products Co., from Philadelphia, Pa.

PRODUCT: 15 cases of apple-strawberry jelly, 15 cases of apple-cherry jelly, and 15 cases of apple-grape jelly, each case containing 24 12-ounce jars, at Rochester, N. Y.

LABEL, IN PART: "Keller's Pure Apple Strawberry [or "Cherry," or "Grape"] Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products of less than 65 percent soluble-solids content, and (apple-cherry jelly and one lot of apple-strawberry jelly) containing an insignificant proportion of cherry juice and strawberry juice, had been substituted for apple-cherry, apple-strawberry, and apple-grape jellies.

Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for apple-cherry, apple-strawberry, and apple-grape jellies, since they had not been concentrated by heat to such a point that the soluble-solids content of the finished jelly was not less than 65 percent; and the apple-cherry jelly and one lot of the apple-strawberry jelly failed also to conform to the definition and standard of identity since they were fruit jellies in which two or more fruit juices were used to make up the 45 parts by weight of the fruit juice ingredient, and the weight of the cherry juice and strawberry juice, respectively, was less than one-fifth of the weight of the total fruit juice ingredient.

DISPOSITION: October 30, 1947. Default decrees of condemnation. The products were ordered delivered to charitable institutions.

13303. Adulteration and misbranding of jelly. U. S. v. 30 Cases, etc. (F. D. C. No. 24855. Sample Nos. 25205-K to 25208-K, incl.)

LIBEL FILED: May 24, 1948, Northern District of Iowa.

ALLEGED SHIPMENT: On or about February 11 and April 21, 1948, by Royal Palms Kitchens, from Chicago, Ill.

PRODUCT: 86 cases, each containing 24 12-ounce jars, of jellies at Sioux City, Iowa.

*See also No. 13344.

LABEL, IN PART: "Honeymoon Brand Pure Red Currant [or "Strawberry," "Black Raspberry," or "Mint"] Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products deficient in fruit juice and containing less than 65 percent soluble solids had been substituted for the above-named jellies.

Misbranding, Section 403 (g) (1), the products purported to be and were represented as red currant jelly, strawberry jelly, black raspberry jelly, and fruit jelly, mint flavoring and artificial coloring added, foods for which definitions and standards of identity had been prescribed, and they failed to conform to such definitions and standards since they were made from mixtures composed of less than 45 percent by weight of the fruit juice ingredient, red currant, strawberry, black raspberry, and fruit (apple, crab apple, or pineapple), mint flavoring and artificial coloring added, to each 55 parts by weight of one of the saccharine ingredients, and the soluble-solids content of the finished product was less than 65 percent.

DISPOSITION: June 24, 1948. Default decree of condemnation. The products were ordered delivered to charitable institutions.

13304. Adulteration and misbranding of apple butter. U. S. v. 432 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22774, 23086, 23087. Sample Nos. 39529-H, 87708-H, 87709-H.)

LABELS FILED: March 25 and June 21, 1947, Eastern District of Wisconsin and Northern District of New York.

ALLEGED SHIPMENT: On or about November 26, 1946, and January 11, 1947, by the Adams Apple Products Corp., from Bendersville, Pa.

PRODUCT: Apple butter. 432 cases, each containing 12 2-pound, 6-ounce jars, at Green Bay, Wis., and 83 cases, each containing 6 7-pound, 8-ounce jars, at Dannemora, N. Y.

LABEL, IN PART: "Adams Apple Apple Butter," or "Adams Maid Brand * * * Apple Butter."

NATURE OF CHARGE: Adulteration (portion), Section 402 (b) (2), a product of less than 43 percent soluble-solids content had been substituted for apple butter.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for apple butter, since the product was not concentrated by heat to such a point that the soluble-solids content of the butter was not less than 43 percent.

DISPOSITION: June 19 and September 13, 1947. Default decrees of condemnation. The Green Bay lot was ordered delivered to charitable institutions, and the other lot was ordered destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

13305. Adulteration and misbranding of canned asparagus. U. S. v. 196 Cases * * * (and 9 other seizure actions). (F. D. C. Nos. 21913, 22132, 22254, 22256 to 22262, incl. Sample Nos. 46256-H, 46952-H, 62997-H.)

LABELS FILED: December 5, 1946, and January 7 and February 7, 1947, Eastern District of Michigan and Eastern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about August 14 and 28 and October 29, 1946, by Parrott & Co., from Oakland and San Francisco, Calif.

PRODUCT: Asparagus. 196 cases, each containing 6 6-pound, 12-ounce cans, at Detroit, Mich., 485 cases, each containing 6 6-pound, 5-ounce cans, at New York, N. Y., and 732 cases, each containing 24 1-pound, 2-ounce cans, at Brooklyn, N. Y.

LABEL, IN PART: "Fairplay Brand [or "Exposition Brand"] Tips Removed Asparagus."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), tough, fibrous, and inedible parts of asparagus had been substituted for asparagus cuts—tips removed.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for asparagus cuts—tips removed, since the standard provides that asparagus cuts—tips removed are the edible, succulent portions of sprouts of the asparagus plant from which the tip had