

**DISPOSITION:** August 11, 1948. Default decree of condemnation. The product was ordered sold, conditioned that it be denatured and manufactured into animal feed, under the supervision of the Federal Security Agency.

**13456. Adulteration of apple pomace. U. S. v. 350 Bags \* \* \*. (F. D. C. No. 24970. Sample No. 22299-K.)**

**LIBEL FILED:** June 25, 1948, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about November 29, 1945, from Sebastopol, Calif.

**PRODUCT:** 350 76-pound bags of apple pomace at New Orleans, La., in possession of Charles Denney, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (The article was adulterated while held for sale after shipment in interstate commerce. It was stored in a moth-infested store room and contained insect excreta and webbing.)

**DISPOSITION:** August 11, 1948. Default decree of condemnation. The product was ordered sold, conditioned that it be denatured and manufactured into animal feed, under the supervision of the Federal Security Agency.

**13457. Misbranding of grape jelly and plum jelly. U. S. v. Cobbs Fruit & Preserving Co. (Seminole Fruit & Preserving Co.). Plea of nolo contendere. Fine, \$2,500. (F. D. C. No. 23595. Sample Nos. 77202-H, 77206-H, 77208-H, 77211-H, 77245-H, 77353-H, 77354-H.)**

**INFORMATION FILED:** October 31, 1947, Southern District of Florida, against the Cobbs Fruit & Preserving Co., a corporation, trading as the Seminole Fruit & Preserving Co., Miami, Fla.

**ALLEGED SHIPMENT:** On or about December 17 and 21, 1946, from the State of Florida into the States of Wisconsin and Minnesota.

**LABEL, IN PART:** "Cobbs Pure Tropical Fruit Delicacies Grape [or "Plum"] Jelly \* \* \* Net Wt. 1 Lb."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for grape and plum jellies. The definition and standard provides that grape and plum jellies are concentrated by heat to such point that the soluble-solids content of the finished jelly is not less than 65 percent, whereas the soluble-solids content of the products was less than 65 percent.

Further misbranding (2 lots of plum jelly), Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the jars contained less than the labeled 1 pound net weight.

**DISPOSITION:** December 12, 1947. A plea of nolo contendere having been entered, the defendant was fined \$2,500.

**13458. Adulteration and misbranding of grape jelly and plum jelly. U. S. v. 106 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 22695, 22696. Sample Nos. 76804-H, 76805-H, 77353-H, 77354-H.)**

**LIBELS FILED:** March 19 and 27, 1947, District of Minnesota.

**ALLEGED SHIPMENT:** On or about December 17, 1946, by the Seminole Fruit & Preserving Co., from Little River, Fla.

**PRODUCT:** 106 cases of grape jelly and 107 cases of plum jelly at Rochester, Minn., and 61 cases of grape jelly and 101 cases of plum jelly at Thief River Falls, Minn. Each case contained 24 1-pound jars.

**LABEL, IN PART:** "Cobbs Pure Tropical Fruit Delicacies Grape [or "Plum"] Jelly \* \* \* Cobbs Fruit & Preserving Company Little River, Florida."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), products of less than 65 percent soluble-solids content had been substituted for plum jelly and grape jelly.

Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for grape and plum jelly, since they had not been concentrated by heat to such point that the soluble-solids content was not less than 65 percent, as required by the regulations.

**DISPOSITION:** June 27 and July 30, 1947. The Cobbs Fruit & Preserving Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond to be reconditioned and relabeled under the supervision of the Food and Drug Administration. Eighty-three pounds of the grape jelly and 200 pounds of the plum jelly were destroyed; the remainder was reprocessed, repacked, and relabeled. [Editor's note: In addition to being misbranded, the products were in part decomposed.]

**13459. Adulteration of strawberry preserves. U. S. v. 974 Cases \* \* \***  
(F. D. C. No. 24026. Sample No. 24459-K.)

**LIBEL FILED:** December 18, 1947, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about July 23 and 25, 1947, by Colonial Cannery, Inc., from Independence, La., and returned to Independence from Minneapolis, Minn., on or about December 9, 1947.

**PRODUCT:** 974 cases, each containing 24 1-pound jars, of strawberry preserves at Independence, La.

**LABEL, IN PART:** "Colonial Pure Strawberry Preserves."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product contained mold.)

**DISPOSITION:** February 6, 1948. Colonial Cannery, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was 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. Of the 943 cases seized, approximately 66 cases were destroyed.

**13460. Adulteration of imitation raspberry fruit spread. U. S. v. 19 Cans \* \* \***  
(F. D. C. No. 25023. Sample No. 22933-K.)

**LIBEL FILED:** July 9, 1948, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about December 2, 1946, from Louisville, Ky.

**PRODUCT:** 19 32-pound cans of imitation raspberry fruit spread at Birmingham, Ala.

**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 mold. (The article was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** August 11, 1948. Default decree of condemnation and destruction.

#### VEGETABLES

**13461. Adulteration and misbranding of canned asparagus. U. S. v. 50 Cases \* \* \* (and 4 other seizure actions).** (F. D. C. Nos. 22264, 22266 to 22268, incl., 24845. Sample Nos. 62997-H, 36654-K.)

**LIBELS FILED:** February 4 and 6, 1947, and May 25, 1948, District of New Jersey and Western District of Washington.

**ALLEGED SHIPMENT:** On or about August 14, 1946, and April 7, 1948, by Parrott & Co., from Alameda and San Francisco, Calif.

**PRODUCT:** Asparagus. 174 cases, each containing 24 1-pound, 2-ounce cans, at Paterson, N. J., and 60 cases, each containing 6 6-pound, 5-ounce cans, at Seattle, Wash.

**LABEL, IN PART:** "Exposition Brand All Green and White Cuts—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, which the product was represented to be.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for asparagus cuts, tips removed. The regulations provide that asparagus cuts, tips removed, are the edible, succulent portion of sprouts of the asparagus plant from which the tip has been removed, cut in pieces, whereas the article consisted of tough, fibrous, and inedible parts of the asparagus plant.