

DISPOSITION: June 13, 1952. Default decree of condemnation. The court ordered that the products be delivered to charitable organizations.

19131. Adulteration and misbranding of red raspberry jelly. U. S. v. 13 Cases * * *. (F. D. C. No. 33137. Sample No. 30293-L.)

LABEL FILED: May 19, 1952, District of Idaho.

ALLEGED SHIPMENT: On or about January 28, 1952, by the Oelerich & Berry Co., from Chicago, Ill.

PRODUCT: 13 cases, each containing 24 12-ounce jars, of red raspberry jelly at Boise, Idaho.

LABEL, IN PART: "Oelerich Old Manse * * * Pure Red Raspberry Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 65 percent soluble solids had been substituted for red raspberry jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for red raspberry jelly since the soluble-solids content of the product was less than 65 percent.

DISPOSITION: June 17, 1952. Default decree of forfeiture. The court ordered that the product be delivered to a charitable institution.

VEGETABLES AND VEGETABLE PRODUCTS

19132. Adulteration and misbranding of canned kidney beans. U. S. v. 126 Cases * * *. (F. D. C. No. 32507. Sample No. 38512-L.)

LABEL FILED: February 14, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about October 31, 1951, by D. E. Foote & Co., Inc., from Baltimore, Md.

PRODUCT: 126 cases, each containing 24 1-pound, 4-ounce cans, of kidney beans at New York, N. Y.

LABEL, IN PART: "Torino Brand Cannellini * * * White Kidney Beans * * * Packed by J. Ossola Co., New York, N. Y.-Pittsburgh, Phila., Pa.-Miami, Fla."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a variety of beans other than white kidney beans had been substituted in whole or in part for white kidney beans or Cannellini beans.

Misbranding, Section 403 (a), the label statements "Cannellini * * * White Kidney Beans * * * Packed by J. Ossola Co., New York, N. Y.-Pittsburgh, Phila., Pa.-Miami, Fla." were false and misleading since the product was a variety of beans other than white kidney beans and was packed by D. E. Foote & Co., Inc., Baltimore, Md.

DISPOSITION: October 15, 1952. The J. Ossola Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Federal Security Agency.

19133. Adulteration of canned sauerkraut. U. S. v. James C. Crawford (Crawford Sauerkraut Co.). Plea of guilty. Fine of \$500. (F. D. C. No. 31571. Sample Nos. 6917-L, 6985-L.)

INFORMATION FILED: December 6, 1951, Western District of New York, against James C. Crawford, a partner in the Crawford Sauerkraut Co., Canandaigua, N. Y.

ALLEGED SHIPMENT: July 3 and 11, 1951, from the State of New York into the States of Pennsylvania and Ohio.

LABEL, IN PART: "A & P Sauerkraut * * * The Great Atlantic and Pacific Tea Company, New York, N. Y., Distributor."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of flies, maggots, and other insects, and insect eggs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 28, 1952. A plea of guilty having been entered, the court fined the defendant \$500.

19134. Adulteration and misbranding of pickle chips. U. S. v. 494 Cases * * * (F. D. C. No. 31903. Sample No. 11212-L.)

LIBEL FILED: October 18, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 3, 1951, by I. Miller Pickles, Inc., from North Tonawanda, N. Y.

PRODUCT: 494 cases, each containing 4 1-gallon jars, of pickle chips at Cleveland, Ohio.

LABEL, IN PART: "Bertman Sweet Crispy Pickle Chips One-half pint fluid."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for pickle chips.

Misbranding, Section 403 (d), the container was so made, formed, or filled as to be misleading; and, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (Examination disclosed that less than $\frac{3}{4}$ of the volume of the jars contained pickle chips, with the remainder consisting of brine.)

DISPOSITION: September 3, 1952. The shipper, claimant, having admitted that the product was labeled inaccurately, the court entered judgment of condemnation ordering that the product be released under bond to be relabeled in compliance with the law and sold to institutions, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

19135. Adulteration of canned tomatoes. U. S. v. 962 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32302, 32362. Sample Nos. 7220-L, 7226-L.)

LIBELS FILED: December 19, 1951, and January 11, 1952, Western District of Pennsylvania. (Libel of December 19, 1951, amended January 22, 1952.)

ALLEGED SHIPMENT: On or about November 6 and 20 and December 12, 1951, by Howard Canning Co., Inc., from Pendleton, Ind.

PRODUCT: 962 cases and 247 cases, each containing 6 6-pound, 6-ounce cans of tomatoes at Pittsburgh, Pa.

LABEL, IN PART: (962-case-lot) "Premier Hand Packed Tomatoes"; (247-case lot) "Carson Quality Foods Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the 247-case lot consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and the 962-case lot consisted in whole or in part of a