

LABEL, IN PART: (Can) "Samary Brand Pitted Water Pack Red Sour Cherries * * * Contents 6 Lbs. 7 Ozs. Packed By Samary Food Products Coopersville, Mich."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for pitted canned cherries since more than 1 pit was present in each 20 ounces of canned cherries, the maximum permitted by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: June 2, 1954. Default decree of condemnation. The court ordered that the product be turned over to a Federal institution for its use.

JAMS, JELLIES, AND PRESERVES

21434. Adulteration of strawberry jam. U. S. v. 21 Cases * * *. (F. D. C. No. 35940. Sample No. 74277-L.)

LABEL FILED: October 28, 1953, Southern District of California.

ALLEGED SHIPMENT: On or about July 13, 1953, from Odense, Denmark.

PRODUCT: 21 cases, each containing 24 16-ounce jars, of strawberry jam at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 25, 1953. Default decree of condemnation and destruction.

21435. Misbranding of fruit jellies. U. S. v. Colonial Mfg. Co., Inc., and Leamon T. Wilkes. Pleas of guilty. Fine of \$1,400 against corporation and \$700 against individual. (F. D. C. No. 35185. Sample Nos. 53191-L, 53193-L, 53210-L, 62541-L, 62542-L.)

INDICTMENT RETURNED: February 8, 1954, Western District of Oklahoma, against Colonial Mfg. Co., Inc., Oklahoma City, Okla., and Leamon T. Wilkes, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of September 24, 1952, and March 7, 1953, from the State of Oklahoma into the States of Missouri and Arkansas.

LABEL, IN PART: (Jar) "Colonial Pure Apple-Black Raspberry Jelly Net Weight 2 Lbs. [or "12 Oz."] Manufactured by Colonial Manufacturing Co., Inc. Oklahoma City, Okla."; "Milligan Leader Pure Apple-Black Raspberry [or "Apple-Grape" or "Apple-Strawberry"] Jelly Net Wt. 12 Ozs. Distributed By G. D. Milligan Grocer Co. Springfield, Mo."; "Net Weight 12 Oz. Zestee Pure Apple-Grape [or "Apple-Strawberry"] Jelly Manufactured by Colonial Manufacturing Company, Inc. Oklahoma City, Okla."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for fruit jellies since the articles were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredients to each 55 parts by weight of one of the optional saccharine ingredients, and the articles failed also to conform to the definitions and standards of identity since they contained artificial coloring, which is not permitted by the definitions and standards as an optional ingredient of the jellies involved.