

Further misbranding, Section 403 (e) (2), a portion of the apple-black raspberry jelly failed to bear a label containing an accurate statement of the quantity of the contents in that the label statement "Net Weight 2 Lbs." was inaccurate since the jars of the article contained less than two pounds.

DISPOSITION: February 17, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$1,400 and the individual \$700.

21436. Misbranding of fruit preserves and fruit jellies. U. S. v. St. Joseph Foods, Inc. Plea of nolo contendere. Fine, \$700. (F. D. C. No. 35151. Sample Nos. 43876-L, 43877-L, 43881-L, 43882-L, 43890-L, 43892-L to 43895-L, incl.)

INFORMATION FILED: November 20, 1953, Western District of Missouri, against St. Joseph Foods, Inc., St. Joseph, Mo.

ALLEGED SHIPMENT: On or about July 25, August 9, September 15, and October 13 and 27, 1952, from the State of Missouri into the State of Nebraska.

LABEL, IN PART: (Jar) "Albert's Finest Pure Red Cherry [or "Peach" or "Pineapple"] Preserves Net Wt. 12 Ozs. Louis Albert & Son Food Co., Omaha, Nebr." and "Albert's Finest Pure Black Raspberry [or "Grape," "Strawberry," or "Red Raspberry"] Jelly Net Wt. 12 Ozs. Louis Albert & Son Food Co. Omaha, Nebr."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles, with the exception of the black raspberry jelly, failed to bear labels containing accurate statements of the quantity of the contents. (Examination showed that the articles, with the exception of the black raspberry jelly, were short weight.)

Further misbranding, Section 403 (g) (1), the articles, with the exception of the grape jelly, failed to conform to the definitions and standards of identity for fruit preserves and jellies. The red cherry preserves and pineapple preserves had a soluble-solids content of less than 68 percent, the minimum permitted by the definitions and standards for such preserves; and the peach preserves had a soluble-solids content of less than 65 percent, which is the minimum permitted by the definition and standard of identity for peach preserves. The jellies, with the exception of the grape jelly, contained smaller amounts of the fruit juice ingredients than is permitted by the definitions and standards for jellies in that the jellies, with the exception of the grape jelly, were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the optional saccharine ingredients.

DISPOSITION: March 15, 1954. The defendant having entered a plea of nolo contendere, the court fined it \$700.

21437. Adulteration and misbranding of fruit preserves. U. S. v. 3 Cases, etc. (F. D. C. No. 36167. Sample Nos. 78838-L to 78840-L, incl.)

LIBEL FILED: December 3, 1953, Western District of Kentucky.

ALLEGED SHIPMENT: On or about August 13 and 14, 1953, by the G. W. Bagwell Preserving Co., from Chattanooga, Tenn.

PRODUCT: 3 cases, each containing 24 12-ounce jars, of grape preserves, 9 cases, each containing 24 12-ounce jars, of seedless raspberry preserves, and 18 cases, each containing 24 12-ounce jars, of pineapple preserves at Owensboro, Ky.

LABEL, IN PART: (Jar) "Home Style Pure Grape Preserves [or "Seedless Raspberry Preserves" or "Pineapple Preserves"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products deficient in fruit had been substituted for grape, raspberry, and pineapple preserves, respectively, which the articles were represented to be.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for fruit preserves since the articles were made from a mixture composed of less than 45 parts by weight of the fruit (grape, raspberry, or pineapple) ingredient to each 55 parts by weight of one of the sweetening ingredients specified in the definitions and standards.

DISPOSITION: February 4, 1954. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution.

21438. Adulteration of cherry preserves. U. S. v. 112 Cans * * *. (F. D. C. No. 35526. Sample No. 61048-L.)

LIBEL FILED: October 5, 1953, District of Kansas.

ALLEGED SHIPMENT: On or about August 5, 1953, from Joplin, Mo.

PRODUCT: 112 8-pound, 6-ounce cans, of cherry preserves at Kansas City, Kans.

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: December 1, 1953. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

21439. Adulteration of canned corn. U. S. v. 194 Cases * * *. (F. D. C. No. 36738. Sample No. 72690-L.)

LIBEL FILED: On or about May 19, 1954, Western District of Virginia.

ALLEGED SHIPMENT: On or about September 21, 1953, by the Crites Milling Co., from Ashville, Ohio.

PRODUCT: 194 cases, each containing 24 cans, of corn at Grundy, Va.

LABEL, IN PART: (Can) "Crites Best Cream Style Golden Sweet Corn * * * Contents 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: July 12, 1954. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use other than for human consumption.

21440. Misbranding of sweet peppers. U. S. v. 73 Cases * * *. (F. D. C. No. 36360. Sample No. 52763-L.)

LIBEL FILED: January 26, 1954, District of New Jersey.

ALLEGED SHIPMENT: On or about December 10, 1953, by the Leibowitz Pickle Products, from Brooklyn, N. Y.

PRODUCT: 73 cases, each containing 4 1-gallon jars, of sweet peppers at Perth Amboy, N. J. Examination showed that the product contained artificial coloring, FD&C Yellow No. 5, and a chemical preservative, benzoate of soda.