

**2754. Misbranding of canned tomatoes. U. S. v. 298 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4953. Sample No. 22173-E.)**

Examination showed that this product was not Fancy because of the mushy condition of the tomatoes, lack of uniformity of color, and presence of peel and core.

On June 18, 1941, the United States attorney for the District of New Jersey filed a libel against 298 cases of canned tomatoes at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 9, 1941, by Turlock Cooperative Growers from Modesto, Calif.; and charging that it was misbranded. It was labeled in part: "Madonna Fancy Solid Pack Peeled Tomatoes \* \* \* Packed by Riverbank Canning Company, Riverbank, California."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the mushy condition of the tomatoes, lack of uniformity of color, and presence of peel and core.

On October 29, 1941, the Riverbank Canning Co. of New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled under the supervision of the Food and Drug Administration.

**OTHER FRUIT AND VEGETABLE PRODUCTS**

**2755. Adulteration of apple butter. U. S. v. 8 Cases and 343 Cases of Apple Butter. Default order of destruction. (F. D. C. No. 5633. Sample Nos. 57838-E, 57839-E.)**

Examination showed that this product contained rodent hairs and insect fragments.

On September 5, 1941, the United States attorney for the Southern District of Illinois filed a libel against 351 cases of apple butter at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about June 4 and 6, 1941, by Fan C Foods, Inc., and by Chris Hoerr & Son from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Polly Ann Pure Apple Butter" or "Live-Well Brand Pure Apple Butter."

On November 26, 1941, no claimant having appeared, on motion of the United States attorney the court ordered the United States marshal to destroy the product.

**2756. Adulteration of apple butter. U. S. v. 133 Cases and 8 Cases of Apple Butter. Default decrees of condemnation and destruction. (F. D. C. No. 5790. Sample No. 49115-E.)**

Examination showed this product to contain rodent hairs and insect fragments.

On September 20 and October 22, 1941, the United States attorney for the Western District of Texas filed libels against 141 cases of apple butter at Austin, Tex., which had been consigned by Fan C Foods, Inc., alleging that the article had been shipped in interstate commerce on or about June 8, 1941, from St. Louis, Mo.; and charging that it was adulterated. It was labeled in part: (Jars) "Magnolia Brand Pure Apple Butter."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 27, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2757. Adulteration of prune butter. U. S. v. 3 Pails of Prune Butter. Default decree of condemnation and destruction. (F. D. C. No. 6244. Sample No. 64372-E.)**

Examination showed that this product contained rodent hairs and insect fragments.

On November 18, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 3 pails, each containing 55 pounds, of prune butter at Pittsburgh, Pa., alleging that the article had been shipped on or about October 24, 1941, by Henry & Henry, Inc., from Buffalo, N. Y.; and charging that it was adulterated. It was labeled in part: "H&H Prune Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2758. Adulteration of marmalade, jelly, and preserves. U. S. v. 100 Cartons of Marmalade (and 3 other seizure actions against marmalade, jelly, and preserves). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5292, 5340, 5356, 5425. Sample Nos. 69319-E, 69320-E, 69502-E, 69835-E to 69837-E, incl., 74441-E to 74445-E, incl.)

Examination showed that these products were contaminated with filth, such as insect fragments, rodent and human hairs, and nondescript dirt. Other extraneous materials, such as wood splinters and metal fragments, were found in portions of the products.

On August 4, 11, 13, and 22, 1941, the United States attorney for the District of New Jersey filed libels against 100 cartons each containing 12 jars of orange marmalade, 23 dozen jars of assorted jellies, and 17 cases each containing 24 glasses of preserves at Newark, N. J., and 76 cases each containing 24 jars of jelly and 23 cases each containing 24 jars of preserves at Jersey City, N. J., alleging that the articles had been shipped on or about June 28 and 30 and July 8, 1941, by Farmersfriend Products, Inc., from Brooklyn, N. Y.; and charging that they were adulterated. They were labeled in part: "The Better Grade Uco [or "Mrs. Bauer's Brand"] Pure Orange Marmalade"; "Concord Grape [or "Apple Cherry," "Apple Raspberry," or "Apple Strawberry"] Jelly"; "Mrs. Bauer's Brand Pure Strawberry [or "Raspberry"] Preserves"; "Marigold Brand Pure Grape Jelly"; or "Marigold Brand Pure Preserves Strawberry [or "Raspberry," "Cherry," or "Pineapple"]."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On November 19, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2759. Adulteration of jelly, lekvar, and fondant icing. U. S. v. 83 Pails of Jelly and 10 Tubs of Lekvar (and 2 other seizure actions against lekvar, jelly, and fondant icing). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5357, 6383, 6518. Sample Nos. 56718-E, 56719-E, 74837-E to 74839-E, incl.)

Examination showed that a portion of the jelly and a portion of the lekvar were moldy; the fondant icing and a portion of the lekvar and of the jelly were contaminated with filth, such as rodent hairs, human hair fragments, and insect fragments.

On or about August 14 and on December 9 and 13, 1941, the United States attorneys for the District of Connecticut and the District of New Jersey filed libels against 83 30-pound pails of jelly and 10 60-pound tubs of lekvar at Bridgeport, Conn., and 9 30-pound tubs and 8 60-pound tubs of lekvar, 27 100-pound tins of fondant icing, and 177 30-pound cans of jelly at Newark, N. J., alleging that the articles had been shipped within the period from on or about April 5 to on or about November 26, 1941, by Vienna Extract Co. from Brooklyn, N. Y.; and charging that they were adulterated. Portions of the products were labeled in part: "D. L. Brand Imitation Fruit Jelly"; "Five Star Lekvar"; or "Creamed Fondant Icing."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy or decomposed substances. The fondant icing and portions of the lekvar and jelly were alleged to be adulterated further in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On December 23, 1941, and March 2, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2760. Adulteration of red raspberry puree. U. S. v. 35 Cans of Raspberry Puree. Default decree of condemnation and destruction.** (F. D. C. No. 5981. Sample No. 74496-E.)

This product contained insect fragments.

On or about October 10, 1941, the United States attorney for the District of New Jersey filed a libel against 35 cans of raspberry puree at East Orange, N. J., alleging that the article had been shipped in interstate commerce on or about September 11, 1941, by Wood & Selick from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Favorite Red Raspberry Puree."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.