

material evidence, disclosure of which at this time is objected to by the Government. Rule 33 of the Rules of Civil Procedure should be liberally construed for its purpose is to 'lift the veil of dark secrecy' incident to trials. The court believes the interrogatories to be proper and rules that answers be made thereto.

"An order has this day been entered in accord with the above, and plaintiff is ordered to make answer within 20 days."

Subsequent to the entry of above ruling, counsel for the claimant announced that in all probability the action would not be contested, and, consequently, the work of preparing answers to the interrogatories was not completed. On January 12, 1948, the claimant having requested the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

13644. Adulteration of fig paste. U. S. v. 680 Cartons * * * (and 1 other seizure action). Cases consolidated and tried to the jury. Verdict for the Government. Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 16106, 16132. Sample Nos. 5728-H, 5729-H, 11825-H.)

LIBELS FILED: May 4 and 11, 1945, Eastern District of New York and District of Massachusetts.

ALLEGED SHIPMENT: On or about February 7, 1945, by Jack Gomperts & Co., from Fresno, Calif.

PRODUCT: Fig paste. 1,883 80-pound cases at Brooklyn, N. Y., and 680 80-pound cartons at Boston, Mass.

LABEL, IN PART: "Concordia Brand Adriatic Fig Paste," "Matador Brand California Black Mission Fig Paste," or "Calif. White Fig Paste."

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 larvae and larvae fragments.

DISPOSITION: On July 17, 1945, pursuant to agreement between the Government, and Jack Gomperts & Co., claimant, an order was entered for removal and consolidation of the cases for trial in the Southern District of California. The claimant also filed interrogatories, and objections thereto were filed by the Government, which objections were subsequently sustained by the court. The matter came on for trial before a jury, but no verdict was rendered due to the inability of the jury to agree. The matter was retried before another jury, beginning April 23, 1946, and on April 25 the jury rendered a verdict in favor of the Government. In accordance therewith, judgment of condemnation was entered on July 31, 1946, against the 680-case lot, and the product was ordered released under bond to the claimant on condition that the fig paste be used for distillation purposes, under the supervision of the Federal Security Agency. On April 10, 1947, the decree was amended to allow the claimant to dispose of the product for hog feed. On November 19, 1947, judgment of condemnation was entered against the 1,883-case lot and it was ordered that this lot be released under bond for use as cattle feed or for distillation purposes.

13645. Misbranding of blackberry jelly and blackberry preserves. U. S. v. Shuford Foods, Inc. Plea of nolo contendere. Fine, \$125. (F. D. C. No. 24777. Sample Nos. 54865-H, 54872-H, 814-K, 817-K, 818-K.)

INFORMATION FILED: June 1, 1948, Northern District of Georgia, against Shuford Foods, Inc., Atlanta, Ga.

ALLEGED SHIPMENT: On or about June 11 and 17, September 26, and October 14 and 28, 1947, from the State of Georgia into the States of North Carolina, South Carolina, and Florida.

LABEL, IN PART: "Georgia Miss * * * Blackberry Preserves 16 Ounces," and "Georgia Miss * * * Blackberry Jelly 11 [or "16"] Ounces."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), (blackberry preserves) the product failed to conform to the definition and standard of identity prescribed by the regulations. There were 3 shipments of blackberry preserves involved, and in 2 shipments the soluble-solids content was less than 68 percent, the minimum prescribed by the standard; and the optional saccharine ingredient contained corn sirup, and the weight of the corn sirup solids consisted of

more than one-half of the weight of the solids of the total optional saccharine ingredient. In the third shipment the product had been made from a mixture composed of less than 45 parts by weight of the fruit ingredient, blackberries, to each 55 parts by weight of one of the optional saccharine ingredients specified in the standard.

Further misbranding, Section 403 (e) (2), (one lot of blackberry preserves and both lots of blackberry jelly) the products failed to bear labels containing an accurate statement of the quantity of the contents since the jars contained less than the amount declared on the label.

DISPOSITION: October 25, 1948. A plea of nolo contendere having been entered, the defendant was fined \$125.

13646. Adulteration and misbranding of grape jelly. U. S. v. 9 cases * * *
(F. D. C. No. 24735. Sample No. 741-K.)

LABEL FILED: May 17, 1948, Northern District of Florida.

ALLEGED SHIPMENT: On or about March 1, 1948, by Rich & Morgan, Inc., from Atlanta, Ga.

PRODUCT: 9 cases, each containing 6 8½-pound jars, of grape jelly at Gainesville, Fla.

LABEL, IN PART: "De.lish.us Brand Pure Grape Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing artificial flavoring and artificial coloring and deficient in fruit juice had been substituted for grape jelly.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for grape jelly since it was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients and contained artificial flavoring and artificial coloring, which are not permitted as ingredients of grape jelly.

DISPOSITION: September 4, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as hog feed.

13647. Adulteration and misbranding of grape and plum jelly. U. S. v. 379 Cases, etc. (F. D. C. No. 22712. Sample Nos. 77244-H, 77245-H.)

LABEL FILED: March 19, 1947, Western District of Wisconsin.

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

PRODUCT: 554 cases, each containing 24 jars, of jelly at La Crosse, Wis.

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

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 for plum and grape jellies since they had not been concentrated by heat to such point that the soluble-solids content was not less than 65 percent; and, Section 403 (e) (2), they failed to bear labels containing an accurate statement of the quantity of the contents. (The jars were short-weight.)

DISPOSITION: June 3, 1947. The Cobbs Fruit & Preserving Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law by remanufacturing, and the destruction of the unfit portion, under the supervision of the Food and Drug Administration. A total of 247 pounds of the jellies was destroyed. [Editor's note: In addition to being deficient in solids and short weight, the products were in part fermented, moldy, or otherwise decomposed.]

13648. Adulteration and misbranding of strawberry jelly, blackberry jelly, and black raspberry preserves. U. S. v. 7 Cases, etc. (F. D. C. No. 24757. Sample Nos. 16844-K to 16846-K, incl.)

LABEL FILED: May 5, 1948, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about February 4, 1948, by Royal Palm Kitchens, from Chicago, Ill.