2475. Adulteration of hot sauce and tomato sauce. U. S. v. 109 Cases of Hot Sauce and 500 Cases of Tomato Sauce. Consent decree of condemnation and destruction. (F. D. C. Nos. 1676, 1697. Sample Nos. 12421–E, 13588–E.)

Examination showed that both of these products contained excessive mold; and that the hot sauce also contained worm and insect fragments.

On March 21 and 22, 1940, the United States attorney for the Western District of Washington filed libels against 109 cases each containing 72 cans of hot sauce, and 500 cases of tomato sauce at Seattle, Wash., alleging that the articles had been shipped from San Francisco, Calif., on or about January 12 and March 14, 1940, by Schwabacher Bros. & Co.; and charging that they were adulterated. They were labeled in part: "Happy Home Brand Hot Sauce [or "Spanish Style Tomato Sauce"] Contents 7¾ Oz. Avoir."

The hot sauce was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance; and the tomato sauce in that it consisted in whole or in part of a decomposed substance.

On September 29, 1941, the Stockton Food Products Co., Stockton, Calif., claimant, having consented to the entry of a decree and the cases having been consolidated, judgment of condemnation was entered and the products were ordered destroyed.

OTHER FRUIT PRODUCTS

2476. Adulteration of apple butter. U. S. v. Pacific Food Products Co. Plea of guilty. Fine, $352 and costs. (F. D. C. No. 2963. Sample Nos. 52203–E, 52207–E, 55546–E.)

This product contained worm and insect fragments.

On May 13, 1941, the United States attorney for the Western District of Washington filed an information against Pacific Food Products Co., a corporation, Seattle, Wash., alleging shipment on or about October 8, 1940, and January 13 and 21, 1941, from the State of Washington into the States of Idaho and Oregon, of quantities of apple butter which was adulterated. The article was labeled in part "Sunny Jim Pure Apple Butter."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On July 3, 1941, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of $350 on count I and $1 each on counts II and III and also assessed costs.

2477. Adulteration of apple butter. U. S. v. 13 Cases and 2 Cans of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 3754. Sample No. 52203–E.)

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

On February 3, 1941, the United States attorney for the Western District of Washington filed a libel against 13 cases each containing 6 No. 10 cans, and 2 cans of apple butter at Seattle, Wash., alleging that the article had been shipped on or about January 22, 1941, by Fred Meyer from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. This case was based on a return shipment of goods which originally had been shipped by the Pacific Food Products Co. from Seattle, Wash. The article was labeled in part: (Cans) "Sunny Jim Pure Apple Butter. * * * Mfg. by Pacific Food Products Co. Seattle, Wash."

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2478. Adulteration and misbranding of FruZert. U. S. v. 15 Cases, 9 Cases, and 9 Cases of FruZert. Default decree of condemnation and destruction. (F. D. C. No. 4758. Sample Nos. 55469–E to 55471–E, incl.)

This article was represented to be essentially a fruit product, but it contained added water, sugar, and starch, which were not declared on the label.

On May 14, 1941, the United States attorney for the Western District of Washington filed a libel against 33 cases, each containing 72 cans, of FruZert at Seattle, Wash., alleging that the article had been shipped from Portland, Oreg., on or about April 16, 1941, by Merchants Wholesale Grocery Co.; and charging that it was adulterated and misbranded. It was labeled in part: "Pear [or "Peach" or "Fig"] FruZert * * * Made from Ripe Pears [or "Peaches" or "Figs"] * * * Contents 1 Cup or 8 Ozs."

The article was alleged to be adulterated (1) in that a mixture of fruit, water, sugar, and starch had been substituted wholly or in part for "FruZert A preparation * * * made from ripe pears [or "peaches" or "figs"]"; (2)

in that inferiority had been concealed by the addition of water, sugar, and starch; and (3) in that water, sugar, and starch had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statements "Pear [or "Peach" or "Fig"] FruZert A preparation * * * made from ripe pears [or "peaches" or "figs"]," were false and misleading since they implied that it was a 100 percent fruit product; and (2) in that it was fabricated from two or more ingredients and the labels did not bear the common or usual name of each ingredient.

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2479. Adulteration of imitation fruit jelly. U. S. v. 2 Barrels and 24 Cans of Imitation Fruit Jelly. Default decrees of condemnation and destruction. (F. D. C. Nos. 4841, 4842. Sample Nos. 69995–E, 69998–E.)

Examination of this product showed that it contained rodent hairs, splinters, and miscellaneous filth fragments.

On May 28, 1941, the United States attorney for the District of New Jersey filed libels against 2 barrels containing a total of 1,091 pounds of imitation fruit jelly at North Bergen, N. J., and 24 cans of the same product at Paterson, N. J., alleging that the article had been shipped on or about May 2 and 19, 1941, by Vienna Extract Co., Inc., from Brooklyn, N. Y.; and charging that it was adulterated. It was labeled in part: (Barrels) "Imit. Fruit Jelly"; and (cans) "Net Wt. 30 Lbs. D. L. Brand Imitation Fruit Jelly."

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 September 4, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

DRIED FRUITS

2480. Adulteration of apple chops. U. S. v. 483 Bags of Apple Chops. Default decree of condemnation and destruction. (F. D. C. No. 5632. Sample No. 67581–E.)

This product was contaminated with rodent hairs and insect fragments.

On September 4, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 483 bags of apple chops at St. Louis, Mo., alleging that the article had been shipped by Orbaker & Bush from Williamson, N. Y., on or about August 20, 1941; 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 held under insanitary conditions whereby it might have become contaminated with filth. The bags containing the article were unlabeled.

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2481. Adulteration of dried apricots. U. S. v. Joseph P. Perrucci and Frank L. Di Napoli (Mayfair Packing Co.). Pleas of guilty. Fines, $40. (F. D. C. No. 4193. Sample Nos. 46023–E, 46025–E.)

This product was dirty, moldy, and insect-infested.

On September 10, 1941, the United States attorney for the Northern District of California filed an information against Joseph P. Perrucci and Frank L. Di Napoli, copartners, trading as Mayfair Packing Co., San Jose, Calif., alleging delivery for shipment on or about August 5 and August 28, 1940, from the State of California into the State of New York of quantities of apricots which were adulterated in that they consisted wholly or in part of filthy and decomposed substances. The article was labeled in part: "25 Lbs. Net Weight California Apricots Distributors Jack Gomperts & Co. San Francisco, Cal." or "25 Lbs. Net Wt. Azalea Brand Dried Blenheim Apricots C. L. Dick & Co. San Jose, California, U. S. A."

On October 4, 1941, pleas of guilty having been entered, the court imposed a fine of $20 against each defendant.

2482. Adulteration of dates. U. S. v. 500 Cases of Dates. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 4104. Sample No. 56388–E.)

This action was based on a return shipment of dates that were found to be wormy.