

ated 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. The articles were labeled in part: "Blue Pails * * * Golden Lacqua," "Blue Pail * * * Golden Lacqua Fruit Butter," or "Special Baker's Lekvar."

On November 20, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$800.

4452. Adulteration and misbranding of blackberry jam. U. S. v. 165 Cases of Blackberry Jam. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8134. Sample Nos. 6003-F, 6021-F.)

On August 20, 1942, the United States attorney for the Western District of Tennessee filed a libel against 165 cases, each containing 6 No. 10 cans, of an article labeled in part "World Over Brand Pure Blackberry Jam," alleging that the article had been shipped in interstate commerce on or about June 18, 1942, by Leverton & Co. from Alvin, Tex.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a substance deficient in fruit had been substituted wholly or in part for pure blackberry jam as that food is defined in the regulations prescribing definitions and standards of identity promulgated under the law.

It was alleged to be misbranded (1) in that the name "Pure Blackberry Jam," borne on the label, was false and misleading as applied to an article deficient in fruit; (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations pursuant to law and it failed to conform to such definition and standard since it did not contain the amount of fruit specified therein.

On September 28, 1942, Leverton & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4453. Adulteration and misbranding of black raspberry jam. U. S. v. 11 1/3 Dozen Jars of Black Raspberry Seedless. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 8241. Sample No. 19423-E.)

On August 24, 1942, the United States attorney for the District of Rhode Island filed a libel against 11 1/3 dozen jars of a product labeled in part: "Mactavish * * * Black Raspberry Seedless," alleging that the article had been shipped in interstate commerce on or about July 14, 1942 from Long Island City, N. Y., by Mactavish Preserves Co., Inc., and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that imitation black raspberry jam had been substituted in whole or in part for black raspberry jam which it purported to be.

It was alleged to be misbranded (1) in that the following statements on the jar label: "Black Raspberry Seedless Contains only selected wholesome fruit and cane sugar. 1 pound net" were false and misleading, since the article was not black raspberry jam and contained other ingredients than fruit and cane sugar and the jar did not contain 1 pound net; (2) in that was an imitation of another food, namely black raspberry jam, and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; (3) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents; and (4) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and it failed to conform to such definition and standard, since it had not been concentrated by heat to such point that its soluble solids content was not less than 68 percent, as provided by regulation and since its label did not bear the name of the food as specified in such regulation.

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to public or charitable institutions.