

DISPOSITION: August 3, 1944. The Dickinson Co. having appeared as claimant for the San Francisco lots, judgments of condemnation were entered and the products were ordered released under bond, for the reprocessing and relabeling of the substandard portion. September 16, 1944. No claimant having appeared for the Seattle lots, judgment of condemnation was entered and the products were ordered destroyed.

6942. Adulteration and misbranding of blackberry, strawberry, cherry, raspberry, peach, grape, and apricot preserves and jams. U. S. v. 3,108 Cases of Jams (and 6 other seizure actions against jams and preserves). Decrees of condemnation. One lot ordered destroyed; remaining lots ordered released under bond. (F. D. C. Nos. 4319, 4445, 4820, 4821, 4897, 5041, 9174. Sample Nos. 2895-E, 49161-E to 49172-E, incl., 49263-E to 49280-E, incl., 49301-E to 49312-E, incl., 22833-F.)

LIBELS FILED: Between April 15, 1941, and January 12, 1943, Eastern District of Pennsylvania, District of Massachusetts, and Eastern District of Louisiana.

ALLEGED SHIPMENT: Between the approximate dates of March 8, 1941, and August 21, 1942, by the Fresh Grown Preserve Corporation, from Lyndhurst, N. J.

PRODUCT: 23 cases, each containing 24 1-pound jars, of preserves at Shenandoah, Pa., 3,000 8-pound cans of jams, at Camp Devens, Mass., and 680 cases, each containing 24 1½-pound jars, of preserves, and 9,995 cases, each containing 24 1½-pound jars, of jams, at New Orleans, La.

LABEL, IN PART: (Jams and preserves) "Son-Ripe Brand Top Notch," or "Nature's Own," or "George's Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), imitation preserves and jams, deficient in fruit, had been substituted in whole or in part for grape, apricot, cherry, blackberry, strawberry, raspberry, and peach preserves or jams, foods for which definitions and standards of identity have been prescribed by regulations.

Misbranding, Section 403 (a), the names, "Pure Strawberry [or "Grape," "Apricot," "Cherry," "Peach," "Blackberry," or "Cherry"] Jam [or "Preserves]," were false and misleading; Section 403 (c), the products were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the names of the foods imitated; and, Section 403 (g) (1), they purported to be foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to the definitions and standards.

DISPOSITION: Between October 10 and November 12, 1941. The Fresh Grown Preserve Corporation, claimant for the New Orleans and Camp Devens lots, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration. On October 14, 1942, the Public National Bank & Trust Co. of New York having intervened in the actions in the Eastern District of Louisiana, and having petitioned the court for modification of the decrees entered in that district on the ground that it had a financial interest in the goods, and the Fresh Grown Preserve Corporation having consented, judgments of condemnation were entered ordering the New Orleans lots released under bond to the Public National Bank & Trust Co. of New York, to be relabeled, or reprocessed and repacked and properly labeled, under the supervision of the Food and Drug Administration. January 29, 1943. No claimant having appeared for the Shenandoah lot, judgment of condemnation was entered and the product was ordered destroyed.

6943. Misbranding of raspberry preserves and jam. U. S. v. Fresh Grown Preserve Corporation, and Leo Greenberg. Pleas of guilty. Corporation and individual fined \$5,500 each. Individual defendant placed on probation for 2 years, and fine suspended; corporation fine reduced to \$3,300. (F. D. C. No. 6401. Sample Nos. 5568-E, 43185-E, 43186-E, 43331-E, 43344-E, 46963-E, 57070-E, 57281-E, 57338-E, 87364-E, 89305-E.)

INDICTMENTS RETURNED: On September 16 and 29, 1942, in the District of New Jersey, against the Fresh Grown Preserve Corporation, Lyndhurst, N. J., and Leo Greenberg, vice president, charging the shipment of quantities of jams and preserves with the intent to defraud the purchasers thereof.

ALLEGED SHIPMENT: Between the approximate dates of March 12, 1941, and January 22, 1942, from the State of New Jersey into the States of Kansas, Missouri, Ohio, Oklahoma, New York, Virginia, and Arkansas.