

7143. Misbranding of imitation jam. U. S. v. 75 Cases of Imitation Strawberry Jam, 50 Cases of Imitation Cherry Jam, and 40 Cases of Imitation Raspberry Jam. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12965. Sample Nos. 58950-F to 58952-F, incl.)

LIBEL FILED: July 15, 1944, District of Maryland; amended August 29, 1944, to cover seizure of additional shipments.

ALLEGED SHIPMENT: From on or about May 8 to June 9, 1944, by Pantry Products Co., from New York, N. Y.

PRODUCT: 137 cases, each containing 24 1-pound jars, of imitation strawberry jam, 58 cases, each containing 24 1-pound jars, of imitation cherry jam, and 61 cases, each containing 24 1-pound jars, of imitation raspberry jam at Baltimore, Md.

Examination showed that the products contained ground carrots and were artificially flavored. They had the consistency, color, flavor, and odor of strawberry, cherry, and raspberry jams, respectively. There was no fruit tissue present in the imitation cherry jam and no fruit tissue or seeds present in the imitation strawberry or imitation raspberry jams.

The words "Pantry" and "Strawberry [or "Cherry," or "Raspberry"] Jam" were printed in prominent type, while the word "Imitation" and the statement of ingredients were printed in small, relatively inconspicuous type.

LABEL, IN PART: (Jars) "PANTRY Brand Imitation STRAWBERRY [or "CHERRY" or "RASPBERRY"] JAM."

VIOLATION CHARGED: Misbranding, Section 403 (g) (1), the articles purported to be and were represented by their appearance and the prominent designation, "PANTRY * * * STRAWBERRY [or "CHERRY or RASPBERRY"] JAM", as fruit jam, a food for which a definition and standard of identity has been prescribed by regulations, but they failed to conform to such definition and standard.

DISPOSITION: August 29, 1944. William Wallace, trading as Pantry Products Co., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled. An amended decree was entered December 4, 1944, ordering the destruction of that portion of the product which had become moldy, decomposed, or otherwise unfit for human consumption, and the relabeling of the remainder, under the supervision of the Food and Drug Administration.

7144. Adulteration and misbranding of preserves. U. S. v. 15 Cases of Boysenberry Preserves, 19 Cases of Loganberry Preserves and 3 Cases of Raspberry Preserves. Default decree of condemnation. Products ordered delivered to charitable institutions. (F. D. C. No. 12212. Sample Nos. 53887-F, 53888-F, 53890-F.)

LIBEL FILED: April 22, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about December 30, 1943, by Crown Products, Los Angeles, Calif.

PRODUCT: 15 cases, each containing 12 2-pound jars, of boysenberry preserves, 19 cases, each containing 12 2-pound jars, of loganberry preserves, and 3 cases, each containing 12 2-pound jars, labeled as containing 12 ounces, of raspberry preserves at Globe, Ariz.

LABEL, IN PART: (Jars) "Lady's Choice * * * Pure Boysenberry [or "Loganberry" or "Raspberry"] Preserves."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), products deficient in fruit and containing phosphoric acid or acid phosphate had been substituted in whole or in part for boysenberry, loganberry, or raspberry preserves, foods for which definitions and standards of identity have been prescribed by the regulations.

Misbranding, Section 403 (a), the names, "Pure Boysenberry Preserves," "Pure Loganberry Preserves," and "Pure Raspberry Preserves," were false and misleading; and the statement "Net Weight 12 Ounces Avd.," on the jar label of the raspberry preserves, was false and misleading since the jars contained 2 pounds; and, Section 403 (g) (1), the articles purported to be and were represented as fruit preserves, but they failed to conform to the definitions and standards of identity for such products since they were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definitions and standards, and since they contained phosphoric acid or acid phosphate, which is not permitted as an optional ingredient of fruit preserves.

DISPOSITION: June 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

CANNED VEGETABLES

7145. Adulteration of canned mustard greens. U. S. v. 276 Cases of Mustard Greens. Default decree of condemnation. Product ordered disposed of in compliance with the law. (F. D. C. No. 12978. Sample No. 61687-F.)

LIBEL FILED: July 21, 1944, Western District of Louisiana.

ALLEGED SHIPMENT: On or about May 15, 1944, by George F. Porbeck Co., Little Rock, Ark.

PRODUCT: 276 cases, each containing 24 1-pound 2-ounce cans, of mustard greens at Monroe, La.

Examination showed that the product contained an average of 7 pieces of grass per can, the blades averaging 5 inches in length.

LABEL, IN PART: "Mayfair Mustard Greens * * * Distributed By Central Cannery, Inc., Fayetteville, Arkansas."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), grass had been substituted in part for mustard greens; and, Section 402 (b) (4), grass had been mixed and packed therewith so as to reduce the article's quality.

Misbranding, Section 403 (a), the name "Mustard Greens," which appeared on the labeling, was false and misleading as applied to the article.

DISPOSITION: October 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in accordance with the law.

7146. Adulteration of canned turnip greens. U. S. v. 57 Cases of Canned Turnip Greens. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12770. Sample No. 72769-F.)

LIBEL FILED: June 24, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 9, 1943, by Wilson Canning Co., from Barton, Ark.

PRODUCT: 57 cases, each containing 6 No. 10 cans, of turnip greens at Memphis Tenn.

LABEL, IN PART: (Cans) "Wilson Turnip Greens Contents 6 Lbs. 4 Ozs."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 8, 1944. The Wilson Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency.

7147. Misbranding of canned peas. U. S. v. 27 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 14126. Sample No. 75941-F.)

LIBEL FILED: October 25, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 21 and September 13, 1944, by Harold H. Clapp, Inc., from Rochester, N. Y.

PRODUCT: 27 cases, each containing 72 cans, of peas, at Pittsburgh, Pa.

LABEL, IN PART: "Clapp's Strained Baby Food Strained Peas Net Weight 5 Oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (2), the product was food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 5 Oz." was inaccurate.

DISPOSITION: December 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7148. Misbranding of canned peas. U. S. v. 774 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13036. Sample No. 69694-F.)

LIBEL FILED: On or about August 1, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 14, 1943, by Fredonia Canned Foods, Inc., Fredonia, Wis.