

PRODUCT: 200 250-pound barrels of pitted cherries in brine at Baltimore, Md.
NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: August 13 and 21, 1946. The Allen Fruit Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

11224. Adulteration and misbranding of jelly. U. S. v. 161 Cases * * *
 (F. D. C. No. 20238. Sample Nos. 35467-H to 35472-H, incl.)

LABEL FILED: June 10, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 11, 1946, by Royal Palm Kitchens, from Chicago, Ill.

PRODUCT: 161 cases, each containing 24 12-ounce glasses, of assorted jellies at Canton, Mo. The plum, black raspberry, strawberry, and crab apple jellies contained less than 45 parts by weight to each 55 parts by weight of one of the saccharine ingredients.

The grape, black raspberry, strawberry, crab apple, and blackberry jellies had not been concentrated to the point that the soluble solids content of the finished product was not less than 65 percent; and the grape, black raspberry, and blackberry jellies contained phosphate, which is not permitted by the standard as an optional ingredient in jellies.

LABEL, IN PART: "Royal Palm Pure Concord Grape [or "Plum," "Black Raspberry," "Strawberry," "Crabapple," or "Blackberry"] Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products of the composition set forth above had been substituted in whole or in part for grape, plum, black raspberry, strawberry, blackberry, and crab apple jellies.

Misbranding (all flavors), Section 403 (a), the names of the articles "Pure Concord Grape Jelly," "Pure Plum Jelly," "Pure Black Raspberry Jelly," "Pure Strawberry Jelly," "Pure Crabapple Jelly," and "Pure Blackberry Jelly" were false and misleading; and, Section 403 (g) (1), the articles failed to conform to the definitions and standards for fruit jellies.

DISPOSITION: December 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

11225. Adulteration and misbranding of frozen peach pulp. U. S. v. 81, 80, and 76 Barrels * * *
 (F. D. C. Nos. 20247, 20279. Sample Nos. 65221-H, 65222-H, 65507-H.)

LIBELS FILED: On or about June 13 and 24, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about June 12, 14, and 15, 1945, by Bateman & Co., Inc., from Macon, Ga.

PRODUCT: 237 barrels, each containing approximately 450 pounds, of frozen peach pulp at Camden, N. J.

LABEL, IN PART: The gross and tare weights were written in pencil on 161 barrels of the product.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects and insect parts and by reason of its being fermented.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (i) (1), the label failed to bear the common or usual name of the food; Section 403 (k), the product contained a chemical preservative, sulfur dioxide, and failed to bear labeling stating that fact; and, Section 403 (e) (2), 76 barrels failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 9, 1946. Bateman & Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be used for distillation purposes, under the supervision of the Food and Drug Administration.