

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Examination showed that the product was infested with maggots.)

DISPOSITION: September 7, 1948. Default decree of condemnation and destruction.

13452. Adulteration of huckleberries. U. S. v. 11 Crates * * *. (F. D. C. No. 25534. Sample No. 8936-K.)

LIBEL FILED: August 3, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about July 29, 1948, by George Grover, from Pemberton, N. J.

PRODUCT: 11 crates, each containing approximately 24 quarts, of huckleberries at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. (Examination showed that the product was infested with maggots.)

DISPOSITION: August 4, 1948. Default decree of condemnation and destruction.

13453. Adulteration of huckleberries. U. S. v. 6 Crates * * *. (F. D. C. No. 25542. Sample No. 8939-K.)

LIBEL FILED: August 2, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about August 1, 1948, by P. Sasso, from Hammonton, N. J.

PRODUCT: 6 crates, each containing 24 quarts, of huckleberries at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. (Examination showed that the product was infested with maggots.)

DISPOSITION: August 5, 1948. Default decree of condemnation and destruction.

13454. Misbranding of frozen strawberries. U. S. v. 29 Cases, etc. (F. D. C. No. 22297. Sample Nos. 90812-H, 90822-H.)

LIBEL FILED: February 20, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about June 18, 1946, by Chickamauga Producers, Inc., from Dayton, Tenn.

PRODUCT: Frozen strawberries. 29 cases, each containing 36 cartons, and 25 cases, each containing 24 cartons, at Newark, N. J.

LABEL, IN PART: "Quick Frozen Strawberries In Heavy Syrup * * * Net Weight 1 lb. [or "2 Pounds"]."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the product was short-weight.)

DISPOSITION: May 20, 1947. Chickamauga Producers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

MISCELLANEOUS FRUIT PRODUCTS*

13455. Adulteration of apple pomace. U. S. v. 1,638 Bags * * *. (F. D. C. No. 24967. Sample Nos. 22311-K, 22312-K.)

LIBEL FILED: June 30, 1948, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 13, 1947, and February 18, 1948, from Holley, N. Y.

PRODUCT: 1,638 50-pound bags of apple pomace at New Orleans, La. Examination showed that the product contained insect excreta and webbing.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (The article was adulterated while held for sale after shipment in interstate commerce.)

*See also Nos. 13351-13354, 13356-13358.

DISPOSITION: August 11, 1948. Default decree of condemnation. The product was ordered sold, conditioned that it be denatured and manufactured into animal feed, under the supervision of the Federal Security Agency.

13456. Adulteration of apple pomace. U. S. v. 350 Bags * * *. (F. D. C. No. 24970. Sample No. 22299-K.)

LIBEL FILED: June 25, 1948, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 29, 1945, from Sebastopol, Calif.

PRODUCT: 350 76-pound bags of apple pomace at New Orleans, La., in possession of Charles Denney, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (The article was adulterated while held for sale after shipment in interstate commerce. It was stored in a moth-infested store room and contained insect excreta and webbing.)

DISPOSITION: August 11, 1948. Default decree of condemnation. The product was ordered sold, conditioned that it be denatured and manufactured into animal feed, under the supervision of the Federal Security Agency.

13457. Misbranding of grape jelly and plum jelly. U. S. v. Cobbs Fruit & Preserving Co. (Seminole Fruit & Preserving Co.). Plea of nolo contendere. Fine, \$2,500. (F. D. C. No. 23595. Sample Nos. 77202-H, 77206-H, 77208-H, 77211-H, 77245-H, 77353-H, 77354-H.)

INFORMATION FILED: October 31, 1947, Southern District of Florida, against the Cobbs Fruit & Preserving Co., a corporation, trading as the Seminole Fruit & Preserving Co., Miami, Fla.

ALLEGED SHIPMENT: On or about December 17 and 21, 1946, from the State of Florida into the States of Wisconsin and Minnesota.

LABEL, IN PART: "Cobbs Pure Tropical Fruit Delicacies Grape [or "Plum"] Jelly * * * Net Wt. 1 Lb."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for grape and plum jellies. The definition and standard provides that grape and plum jellies are concentrated by heat to such point that the soluble-solids content of the finished jelly is not less than 65 percent, whereas the soluble-solids content of the products was less than 65 percent.

Further misbranding (2 lots of plum jelly), Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the jars contained less than the labeled 1 pound net weight.

DISPOSITION: December 12, 1947. A plea of nolo contendere having been entered, the defendant was fined \$2,500.

13458. Adulteration and misbranding of grape jelly and plum jelly. U. S. v. 106 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 22695, 22696. Sample Nos. 76804-H, 76805-H, 77353-H, 77354-H.)

LIBELS FILED: March 19 and 27, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about December 17, 1946, by the Seminole Fruit & Preserving Co., from Little River, Fla.

PRODUCT: 106 cases of grape jelly and 107 cases of plum jelly at Rochester, Minn., and 61 cases of grape jelly and 101 cases of plum jelly at Thief River Falls, Minn. Each case contained 24 1-pound jars.

LABEL, IN PART: "Cobbs Pure Tropical Fruit Delicacies Grape [or "Plum"] Jelly * * * Cobbs Fruit & Preserving Company Little River, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products of less than 65 percent soluble-solids content had been substituted for plum jelly and grape jelly.

Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for grape and plum jelly, since they had not been concentrated by heat to such point that the soluble-solids content was not less than 65 percent, as required by the regulations.