

## DRIED FRUITS

**3775. Adulteration of apple chops. U. S. v. 692 Bags of Apple Chops. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 7497. Sample No. 86757-E.)**

This product had been stored under insanitary conditions after shipment in interstate commerce and, when examined, contained rat pellets and hairs resembling rodent hairs; many of the bags had been gnawed by rats, and rodent pellets were found on and between the bags.

On May 19, 1942, the United States attorney for the Northern District of Illinois filed a libel against 692 bags of apple chops at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 7, 1942, from Berryville, Va., that it was in possession of the D. B. Scully Syrup Co., Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On July 15, 1942, the D. B. Scully Syrup Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the good portion be salvaged.

**3776. Adulteration of dried apples. U. S. v. 15 Bags of Dried Apples (and 3 other seizure actions against dried apples). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 6137 to 6139, incl., 6532. Sample Nos. 59450-E, 59451-E, 59453-E to 59455-E, incl., 59497-T, 59498-E.)**

Examination showed that this product contained insect fragments and rodent hair fragments.

On November 4 and December 16, 1941, the United States attorney for the Eastern District of Virginia filed libels against 114 50-pound sacks and 46 25-pound sacks of dried apples at Suffolk, 278 50-pound bags of dried apples at Richmond, and 224 50-pound bags and 50 25-pound bags of dried apples at Petersburg, Va., alleging that the article had been shipped in interstate commerce within the period from on or about September 3 to on or about November 5, 1941, by E. E. Eller Produce Co., Inc., from North Wilkesboro, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 22, 1942, no claimant having appeared for the apples seized at Richmond, judgment of condemnation was entered, and on May 23, 1942, the product was ordered released under bond to David Wallerstein & Co., Richmond, Va. It was sold as animal feed. On August 1, 1942, Harwell Bros. & Gibbs, Inc., Petersburg, Va., claimant for the apples seized at Petersburg, having admitted the allegations of the libel and petitioned for release of the product to be disposed of for hog and cattle feeding, judgment of condemnation was entered and the product was ordered released under bond for disposition under the supervision of the Food and Drug Administration. It was denatured by the addition of 10 percent of charcoal. On January 21, 1943, the claimant for the product seized at Suffolk having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

**3777. Adulteration of dried apricots. U. S. v. 22 Cases of Apricots. Default decree of condemnation and destruction. (F. D. C. No. 7090. Sample No. 83716-E.)**

This product was insect-infested.

On March 25, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 22 25-pound cases of apricots at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 30, 1941, by Encinal Terminals from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Red Bird Brand Dried Slab Apricots \* \* \* Distributed By Dubon Company Inc. New Orleans, La."

On July 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3778. Adulteration of dried fruits. U. S. v. 129 Boxes of Dried Peaches and 16 Boxes of Mixed Fruits (and 1 other seizure action against dried peaches). Consent decrees of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. Nos. 6992, 7010. Sample Nos. 81547-E, 81561-E, 81562-E, 81563-E.)**

On March 4 and 10, 1942, the United States attorney for the Southern District of California filed libels against 200 25-pound boxes of dried peaches and 16

25-pound boxes of mixed fruits at Fresno, Calif., alleging that the articles had been shipped in interstate commerce on or about February 26, 1942, by Knoebel Mercantile Co. from Denver, Colo.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. These dried fruits originally had been shipped from Fresno, Calif., by the Vagim Packing Co. to Denver and were returned by the consignee. The articles were labeled in part: "Plump and Meaty Brand Choice Recleaned Yellow Peaches [or "California Mixed Fruits \* \* \* Contains Peaches Pears Apricots Prunes"] Packed By Vagim Packing Co."

On April 17, 1942, Vagim Packing Co., Fresno, Calif., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the products were ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The products were sorted with the object of eliminating all unfit fruit. The sorting was only partially successful and all but 44 cases were denatured and sold as hog feed.

**3779. Adulteration of dried pears. U. S. v. Dominic Schiro (D. Schiro). Plea of guilty. Fine, \$250. (F. D. C. No. 7239. Sample No. 22865-E.)**

Samples of this product were found to contain insect excreta pellets, dead insects and larva, and rodent or other animal hairs.

On June 12, 1942, the United States attorney for the Northern District of California filed an information against Dominic Schiro, trading as D. Schiro at San Francisco, Calif., alleging shipment on or about November 14, 1941, from the State of California into the State of New York of a quantity of dried pears which were adulterated in that they consisted in whole or in part of a filthy substance.

On June 30, 1942, a plea of guilty was entered by the defendant and the court imposed a fine of \$250.

**3780. Adulteration of dried pears. U. S. v. 78 Boxes of Dried Pears. Default decree of condemnation and destruction. (F. D. C. No. 7492. Sample No. 86557-E.)**

Examination of this product showed that it was insect-infested.

On May 19, 1942, the United States attorney for the Northern District of Illinois filed a libel against 78 boxes of dried pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 28, 1942, by Peloian Packing Co. from Reedley, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Extra Choice Northern Pears Distributed By Sprague, Warner & Co. Chicago, Ill."

On July 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3781. Adulteration of dried pears. U. S. v. 14 Cases of Dried Pears. Default decree of condemnation and destruction. (F. D. C. No. 7479. Sample Nos. 93318-E, 93443-E.)**

Examination showed that this product was insect-infested and dirty and that it contained rodent pellet fragments.

On May 7, 1942, the United States attorney for the Western District of Washington filed a libel against 14 cases of dried pears at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 20, 1942, by Valley View Packing Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Valley View Brand Extra Choice Light Nor. Pears."

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## POULTRY

**3782. Adulteration of dressed poultry. U. S. v. Cudahy Packing Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 7218. Sample No. 62445-E.)**

On May 28, 1942, the United States attorney for the District of Nebraska filed an information against the Cudahy Packing Co., a corporation, at Omaha, Nebr., alleging shipment on or about November 6, 1941 from the State of Nebraska into the State of Illinois of a quantity of poultry that was adulterated in that it consisted in whole or in part of a putrid and decomposed substance, and in that it was in whole or in part the product of diseased animals, namely, diseased poultry.