

containers were so filled as to be misleading, since in one of the lots the bottom layer was not full and contained candied fruit of inferior quality when compared with the top layer, and, in the other lot, more than half the volume of the basket was occupied by paper.

On May 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to welfare organizations.

**5218. Misbranding of glace fruits. U. S. v. 68 Boxes of Glace Fruits. Default decree of condemnation and destruction. (F. D. C. No. 9998. Sample No. 3376-F.)**

On May 25, 1943, the United States attorney for the Western District of Missouri filed a libel against 68 boxes of glace fruits at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 22, 1943, by Grace A. Rush, Inc., from Cincinnati, Ohio; and charging that it was misbranded. The article was labeled in part: "Martha Ann Glace Fruits."

The article was alleged to be misbranded in that its container was so made and filled as to be misleading since the double wall and false bottom occupied two-thirds of the volume of the box.

On July 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5219. Adulteration of cold pack strawberries. U. S. v. 48 Barrels of Cold Pack Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 9745. Sample No. 32487-F.)**

On April 9, 1943, the United States attorney for the Northern District of Ohio filed a libel against 48 barrels of cold pack strawberries at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about February 17, 1943, by the Cloverdale Co-operative Berry Association from Kalama, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, moldy berries.

On June 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**CANNED VEGETABLES**

**5220. Misbranding of canned whole beets. U. S. v. 653 Cases of Canned Whole Beets. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9794. Sample No. 8000-F.)**

On April 14, 1943, the United States attorney for the District of Minnesota filed a libel against 653 cases, each containing 24 cans, of whole beets at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about February 25, 1943, by the Fuhremann Canning Co. from Appleton, Wis.; and charging that it was misbranded. The article was labeled in part: (Cans) "Home Brand Small Whole Beets \* \* \* Distributed by Griggs, Cooper & Co. St. Paul, Minn. \* \* \* No. of Beets Approx. 12 to 15."

The article was alleged to be misbranded in that the following statements "Small Whole Beets \* \* \* No. of Beets Approx. 12 to 15" were false and misleading since the beets were not small, and less than 12 beets were present in the container.

On June 1, 1943, Griggs, Cooper & Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**5221. Adulteration of canned cut okra. U. S. v. 295 Cases of Canned Cut Okra. Default decree of condemnation and destruction. (F. D. C. No. 9933. Sample No. 30985-F.)**

Examination showed this product to be sour and decomposed.

On May 14, 1943, the United States attorney for the Western District of Washington filed a libel against 295 cases, each containing 24 cans, of cut okra at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 28, 1943, by Encinal Terminal, from Alameda, Calif., and that it was invoiced by the A. M. Beebe Company, Inc., of San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.