

berries at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about August 12, 1943, by J. Albor, Bessie Ford, Clayton Ford, and James Patton from Green Bank, N. J., and Robert Stewart from Nesco, N. J.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances.

On September 9, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

FROZEN FRUIT

5362. Adulteration of frozen strawberries. U. S. v. 38 Barrels of Strawberries. Decree of condemnation. Product ordered released under bond. Unfit portion sorted out and destroyed. (F. D. C. No. 10425. Sample No. 13958-F.)

On August 17, 1943, the United States attorney for the Southern District of California filed a libel against 38 barrels, each containing 440 pounds, of frozen strawberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 24, 1943, by the Diamond Ice & Storage, from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of moldy berries.

On September 13, 1943, S. A. Moffett, doing business under the name of S. A. Moffett Co., Seattle, Wash., 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 reconditioning under the supervision of the Food and Drug Administration. Subsequently, on October 21, 1943, the product was reconditioned by sorting out and destroying the unfit portion.

MISCELLANEOUS FRUIT PRODUCTS

5363. Adulteration of apple concentrate. U. S. v. 11 Unlabeled Wooden Kegs of Apple Concentrate. Default decree of condemnation and destruction. (F. D. C. No. 10078. Sample Nos. 14836-F, 15143-F.)

On June 8, 1943, the United States attorney for the Southern District of California filed a libel against 5 10-gallon kegs and 6 15-gallon kegs, all unlabeled, of apple concentrate at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 7, 1943, by E. A. Brenner from Wenatchee, Wash.; and charging that it was adulterated in that it contained added poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health.

On July 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5364. Adulteration of apple pomace. U. S. v. 150 Unlabeled Sacks of Apple Pomace. Default decree of condemnation and destruction. (F. D. C. No. 10047. Sample No. 41390-F.)

This product was stored under very insanitary conditions after shipment in interstate commerce. Some of the bags had been gnawed by rodents; dead roaches were found on the sacks and on the floor near the sacks, and numerous insect webs were found between the sacks.

On June 3, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 150 unlabeled sacks of apple pomace at New Orleans, La., in the possession of Charles Dennery, Inc., alleging that the article had been shipped in interstate commerce on or about February 14, 1942, from Ravena, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On July 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5365. Adulteration of fig preserves. U. S. v. 196 Cases of Fig Preserves. Default decree of condemnation and destruction. (F. D. C. No. 8462. Sample No. 9510-F.)

On September 30, 1942, the United States attorney for the Western District of Texas filed a libel against 196 cases of fig preserves at San Antonio, Texas, which had been consigned by the Evangeline Pepper & Food Products Co., alleging that the article had been shipped in interstate commerce on or about July 23, 1942, from St. Martinsville, La.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hairs and insects, and in that it had been prepared under insanitary conditions whereby it may have

become contaminated with filth. The article was labeled in part: (Jars) "Bullard's Evangeline Brand * * * Fig Preserves."

On October 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5366. Adulteration of mincemeat. U. S. v. Old Virginia Packing Co., Inc. Plea of guilty. Fine, \$225. (F. D. C. No. 9637. Sample Nos. 24171-F, 24172-F, 36843-F.)

This product contained rodent hairs and other hairs, insects, miscellaneous insect fragments, insect parts, and larvae.

On July 7, 1943, the United States attorney for the Western District of Virginia filed an information against the Old Virginia Packing Co., Inc., at Front Royal, Va., alleging shipment within the period from on or about November 18 to December 17, 1942, from the State of Virginia into the State of Maryland and the District of Columbia of a quantity of mincemeat that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Virginia Royal Fancy Plain Mincemeat," "Major Brand Mincemeat," or "Old Virginia Extra Fancy Mincemeat Wine and Rum."

On October 25, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$75 on each of the 3 counts contained in the information, or a total fine of \$225.

5367. Adulteration of strawberry juice. U. S. v. 38 Cans of Strawberry Juice. Default decree of condemnation and destruction. (F. D. C. No. 10412. Sample No. 37343-F.)

On August 16, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 38 cans, each containing 5 gallons, of strawberry juice at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about June 10, 1943, by the Sunshine Packing Corporation from North East, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5368. Adulteration and misbranding of vinegar. U. S. v. 5 Barrels of Vinegar. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 10170. Sample No. 29829-F.)

Analysis showed the product had been diluted with water to less than 4 percent acetic acid strength. (40 Grain = 4% acetic acid.)

On June 29, 1943, the United States attorney for the District of Nevada filed a libel against 5 barrels of vinegar at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about April 27, 1943, by the Valley Wholesale Grocery Co. from Sacramento, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: "Valley Brand Apple Cider Vinegar 40 Grain."

The article was alleged to be adulterated in that apple cider vinegar and water had been substituted wholly or in part for "Apple Cider Vinegar 40 Grain," and in that water had been added to or mixed or packed therewith so as to reduce its quality or strength below that represented by the labeling.

The article was alleged to be misbranded in that the statement "Apple Cider Vinegar 40 Grain" was false and misleading as applied to apple cider diluted with water to less than 4 percent acetic acid strength, and in that it was offered for sale under the name of another food, "Apple Cider Vinegar 40 Grain."

On August 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

VEGETABLES

5369. Misbranding of canned corn. U. S. v. 79 Cases of Canned Corn. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10080. Sample No. 29097-F.)

On June 14, 1942, the United States attorney for the Northern District of Georgia filed a libel against 79 cases of canned corn at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by the Tom Corwin Canning Co. from Lebanon, Ohio; and charging that