

**9110. Adulteration of dried prunes. U. S. v. 44 Boxes of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 15966. Sample No. 29536-H.)**

**LIBEL FILED:** April 25, 1945, District of Nevada.

**ALLEGED SHIPMENT:** On or about December 29, 1944, by the Albert Asher Co., from San Francisco, Calif.

**PRODUCT:** 44 25-pound boxes of dried prunes at Reno, Nev.

**LABEL, IN PART:** "Bon Ton Brand Santa Clara Prunes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs.

**DISPOSITION:** May 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9111. Adulteration of raisins. U. S. v. 42 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 16136. Sample No. 4338-H.)**

**LIBEL FILED:** May 15, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 12, 1944, by the Robert G. Bursk Co., from Philadelphia, Pa.

**PRODUCT:** 42 25-pound cartons of seedless raisins at Atlantic City, N. J. Examination showed that the product was undergoing fermentation.

**LABEL, IN PART:** "Sun Maid Bakery Type Thompson Seedless Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** November 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9112. Adulteration and misbranding of wine vinegar. U. S. v. 37 Cases, 87 Cases, and 67 Cases of Wine Vinegar. Default decree of condemnation and destruction. (F. D. C. No. 15844. Sample No. 16723-H.)**

**LIBEL FILED:** April 6, 1945, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 22, 1945, by Bertola and Co., from New York, N. Y.

**PRODUCT:** 37 cases, each containing 4 1-gallon bottles, 87 cases, each containing 12 1-quart bottles, and 67 cases, each containing 24 1-pint bottles, of wine vinegar at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an artificially colored mixture of wine vinegar and acetic acid or distilled vinegar had been substituted in whole or in part for wine vinegar; Section 402 (b) (3), inferiority had been concealed by the addition of artificial color; and, Section 402 (b) (4), acetic acid or distilled vinegar had been mixed or packed with the product so as to reduce its quality or strength, and artificial color had been mixed or packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the name "wine vinegar" was false and misleading as applied to an artificially colored mixture of wine vinegar and acetic acid or distilled vinegar.

**DISPOSITION:** June 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9113. Adulteration and misbranding of wine vinegar. U. S. v. 21 Cases of Wine Vinegar. Default decree of condemnation and destruction. (F. D. C. No. 16239. Sample No. 18023-H.)**

**LIBEL FILED:** June 5, 1945, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 2, 1944, by the Italian Importing Corporation, from New York, N. Y.

**PRODUCT:** 21 cases, each containing 12 1-quart bottles, of wine vinegar at Chicago, Ill.

**LABEL, IN PART:** "Muro Pure Wine Vinegar Made From Grapes Packed by Muro Imp. Co. Brooklyn, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of wine vinegar and distilled vinegar or acetic acid had been substituted in whole or in part for "Pure Wine Vinegar Made from Grapes," which the article was represented to be; and, Section 402 (b) (4), distilled vinegar or acetic acid had been

added to and mixed or packed with the article so as to reduce its quality or strength.

Misbranding, Section 403 (a), the label statement, "Pure Wine Vinegar Made from Grapes," was false and misleading as applied to a mixture of wine vinegar and distilled vinegar or acetic acid.

DISPOSITION: November 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### VEGETABLES

**9114. Adulteration of mung beans. U. S. v. 260 Bags of Mung Beans. Tried to the court. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15398. Sample No. 28508-H.)**

**LIBEL FILED:** March 3, 1945, Western District of Washington.

**ALLEGED SHIPMENT:** On or about November 29, 1944, by James Snelling, from Wichita, Kans.

**PRODUCT:** 260 100-pound bags of mung beans at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy beans.

**DISPOSITION:** March 29, 1946. The King Chong Lung Co., Seattle, Wash., having appeared as claimant and having filed an answer denying that the product was adulterated, the case came on for hearing before the court. At the conclusion of the testimony and the arguments of counsel, the court made its finding that the product was adulterated as alleged. Judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

**9115. Misbranding of beans with pork and tomato sauce. U. S. v. 196 Cases of Beans with Pork and Tomato Sauce. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15794. Sample No. 2248-H.)**

**LIBEL FILED:** April 18, 1945, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about January 29, 1945, by the Foote Brothers Co., from Norfolk, Va.

**PRODUCT:** 196 cases, each containing 24 1-pound cans, of beans with pork and tomato sauce at Greenville, N. C.

**LABEL, IN PART:** (Cans) "McGrath's Beans with Pork and Tomato Sauce Packed by The H. J. McGrath Co. Baltimore, Md., U. S. A. McGrath's Champion Brand."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product was food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than "1 Lb.," the volume declared.

**DISPOSITION:** May 24, 1945. The H. J. McGrath Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of an officer designated by the Federal Security Agency.

**9116. Adulteration of canned corn. U. S. v. 93 Cases and 104 Cases of Canned Corn. Default decrees of forfeiture and destruction. (F. D. C. Nos. 15210, 16191. Sample Nos. 86077-F, 25424-H.)**

**LIBELS FILED:** February 7 and May 18, 1945, District of Idaho.

**ALLEGED SHIPMENT:** On or about October 27, 1944, by the Eddington Canning Co., from Murray and Springville, Utah.

**PRODUCT:** 93 cases and 104 cases, each containing 24 1-pound, 4-ounce cans, of corn of Twin Falls and Idaho Falls, Idaho, respectively.

**LABEL IN PART:** "Eddington's Utah Trail Golden Bantam Corn Golden Sweet Cream Style," or "Spring Kist Eddington's Crushed Style Golden Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worm fragments and insect fragments.