

than 8.37 percent of salt-free tomato solids, the minimum required by the regulations, the average varying from 6.70 to 6.78 percent.

On October 9, 1940, the United States attorney for the Southern District of Alabama filed libels against 266 cases of tomato puree at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about August 13 and 18, 1940, by Uddo Taormina Corporation from New Orleans, La.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Baby Brand Tomato Puree \* \* \* [portion of cans, "Color Added"]."

The article in two of the lots was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. That in the cans labeled "Color Added" in the remaining lots was alleged to be adulterated in that inferiority had been concealed by the addition of artificial color, and in that color had been added to or mixed with it so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard in that it contained less than 8.37 percent of salt-free tomato solids. A portion was alleged to be misbranded further in that it contained artificial color, which is not provided for in the standard.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### DRIED FRUITS

**1785. Adulteration of apple chops. U. S. v. 11 Bags of Apple Chops. Default decree of condemnation and destruction.** (F. D. C. No. 3560. Sample No. 27506-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be in part dirty, wormy, or decomposed.

On December 20, 1940, the United States attorney for the Western District of Kentucky filed a libel against 11 bags of apple chops at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about November 9, 1940, by Orbaker & Bush from Williamson, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance.

On February 8, 1941, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

**1786. Adulteration of dried apricots. U. S. v. 16 Cases and 10 Cases of Dried Apricots. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3561, 3576. Sample Nos. 40104-E, 40105-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be dirty and insect-infested.

On December 20 and 23, 1940, the United States attorney for the Eastern District of Pennsylvania filed libels against 26 cases of dried apricots at Allentown, Pa., alleging that the article had been shipped on or about November 12 and 20, 1940, by the Wm. A. Camp Co. from New York, N. Y.; 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: "Calif. Apricots Distributed by Jack Gomperts & Co., San Francisco, California."

On January 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1787. Adulteration of prunes and figs. U. S. v. 11 Boxes of Prunes and 2 Boxes of Figs and Prunes. Default decree of condemnation and destruction.** (F. D. C. Nos. 3572, 3573. Sample Nos. 29117-E, 29118-E.)

These products were moldy.

On December 20, 1940, the United States attorney for the Southern District of Ohio filed a libel against 11 boxes of prunes and 2 boxes of figs and prunes at Cincinnati, Ohio, which had been consigned on or about October 22, 1940, alleging that the article had been shipped in interstate commerce by the Canoga Farms from Encino, Calif.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Prunes" or "Calimyrna Figs & Prunes."

On January 25, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**1788. Adulteration of raisins. U. S. v. 98 Cases of Raisins. Default decree of forfeiture and destruction.** (F. D. C. No. 3921. Sample No. 22411-E.)

This product was insect-infested.

On March 10, 1941, the United States attorney for the District of Puerto Rico filed a libel against 98 cases of raisins en route to San Juan, P. R., and scheduled to arrive on or about March 11, 1941, alleging that the article had been shipped in interstate commerce on or about February 8, 1941, by the Enoch Packing Co. of Del Rey, Calif., from Oakland, 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 Eagle Brand Raisins."

On April 25, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**1789. Adulteration of raisins. U. S. v. 14 Boxes and 16 Boxes of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 3559. Sample Nos. 55372-E, 55373-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On December 21, 1940, the United States attorney for the Western District of Washington filed a libel against 30 boxes of raisins at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 10, 1940, by the Lion Packing Co., Fresno, 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: "Buon Gusto Brand Ex Fancy Dried No. 1 Grade Alicantes [or "Loose Muscat Raisins"]."

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MEAT PRODUCTS

### POULTRY<sup>1</sup>

**1790. Adulteration of poultry. U. S. v. William Boyd Pruitt (Pruitt Produce Co.). Plea of guilty. Fine, \$25.** (F. D. C. No. 954. Sample No. 68464-D.)

Examination showed the presence of diseased, emaciated, and decomposed poultry in this shipment.

On May 20, 1940, the United States attorney for the Eastern District of Oklahoma filed an information against William Boyd Pruitt, trading as Pruitt Produce Co., at Muskogee, Okla., alleging shipment on or about October 31, 1939, from the State of Oklahoma into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased and emaciated poultry; and in that it consisted in part of a decomposed substance.

On January 13, 1941, a plea of guilty was entered by the defendant and the court imposed a fine of \$25.

**1791. Adulteration of poultry. U. S. v. A. Paul Stork (W. P. Stork). Plea of guilty. Fine, \$150.** (F. D. C. No. 4120. Sample No. 34980-E.)

On June 10, 1941, the United States attorney for the District of Minnesota filed an information against A. Paul Stork, trading as W. P. Stork, at Tyler, Minn., alleging shipment on or about November 23, 1940, from the State of Minnesota into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On June 11, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$150.

Nos. 1792 to 1807, inclusive, report the seizure and disposition of poultry in which diseased birds were found.

**1792. Adulteration of poultry. U. S. v. 26 Boxes and 6 Boxes of Poultry. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3544, 3659. Sample Nos. 34476-E to 34478-E, incl., 46561-E, 46562-E, 46569-E.)

On December 26, 1940, and January 10, 1941, the United States attorney for the Southern District of New York filed libels against 32 boxes of poultry at

<sup>1</sup> See also No. 1722.