

shipped on or about December 27, 1940, by R. U. Delapenha & Co., Inc., from Poughkeepsie, N. Y.; and charging that they were adulterated. They were labeled in part: "Overland Brand Raspberry Jam \* \* \* 8 Lbs. 8 Oz. [or "4 Lbs. 8 Oz.]"]; and "Overland Pineapple Jam \* \* \* 1 Lb."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On March 3 and April 14, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2051. Adulteration of Nu-Olive Spred. U. S. v. 5 Cases of Nu-Olive Spred. Default decree of condemnation and destruction.** (F. D. C. No. 4586. Sample No. 55468-E.)

Examination showed this product to be decomposed.

On May 1, 1941, the United States attorney for the Western District of Washington filed a libel against 5 cases of an article labeled in part "Nu-Olive Spred" alleging that the article had been shipped in interstate commerce on or about April 16, 1941, by the Merchants Wholesale Grocery Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jars) "Nu-Olive Spred \* \* \* Nuspred Foods Co. Portland, Ore."

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2052. Adulteration and misbranding of vinegar. U. S. v. 84 Cases of Vinegar. Default decree of condemnation and destruction.** (F. D. C. No. 3809. Sample No. 29233-E.)

This article was not cider vinegar as represented but consisted of a mixture containing distilled vinegar or dilute acetic acid.

On February 12, 1941, the United States attorney for the Eastern District of Kentucky filed a libel against 69 cases each containing 12 quart bottles, 8 cases each containing 24 ten-ounce bottles, and 7 cases each containing 6 half-gallon bottles of vinegar at Covington, Ky., alleging that the article had been shipped in interstate commerce on or about November 26 and December 11, 1940, by the Ball Products Co. from Dayton, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Ball Brand Cider Vinegar."

The article was alleged to be adulterated in that distilled vinegar or dilute acetic acid had been substituted wholly or in part for cider vinegar and in that distilled vinegar or dilute acetic acid had been mixed or packed therewith so as to reduce its quality or strength.

It was alleged to be misbranded in that the statements in the label "Superior Quality for pickling or Table Use Ball Brand Cider Vinegar Reduced to 4% Acidity," were false and misleading as applied to a mixture containing distilled vinegar or dilute acetic acid. It was alleged to be misbranded further in that it was offered for sale under the name of another food.

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**MISCELLANEOUS**

**2053. Adulteration of dried apricots. U. S. v. 1,062 Boxes of Dried Apricots. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 3492. Sample No. 46025-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 contain dirt and mold, and to be insect-infested.

On December 9, 1940, the United States attorney for the Southern District of New York filed a libel against 1,062 boxes of apricots at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 10, 1940, by C. L. Dick & Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Azalea Brand Slabs Dried Blenheim Apricots."

On April 18, 1941, C. L. Dick & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that 100 boxes be used for the man-