

2761. Adulteration of pickles. U. S. v. 194 Cases of Pickles. Default decree of condemnation and destruction. (F. D. C. No. 5858. Sample Nos. 49441-E, 49442-E, 49443-E.)

This product was found to have been prepared under insanitary conditions.

On September 26, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 194 cases of pickles at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 20, June 3, and August 13, 1941, by W & W Pickle & Canning Co. from Montgomery, Ala.; and charging that it was adulterated in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Jars) "Alabam Girl Brand Dill Pickles [or "Sweet Mixed Pickles" or "Sour Pickles"]."

On January 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS AND VEGETABLES

2762. Alleged adulteration of prunes. U. S. v. Libby, McNeill & Libby. Plea of not guilty. Tried to the court. Judgment of not guilty. (F. D. C. No. 2903. Sample Nos. 33097-E, 33098-E.)

This action was instituted on charges of shipping insect-infested and moldy prunes in interstate commerce.

On December 28, 1940, the United States attorney for the Northern District of California filed an information against Libby, McNeill & Libby, a corporation, having a place of business at San Francisco, Calif., alleging shipment on or about October 4 and October 18, 1939, from the State of California into the State of New York of quantities of prunes which were alleged to be adulterated in that they consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Santa Clara Prunes."

On October 9, 1941, a plea of not guilty having been entered, the case came on for trial before the court without a jury. The trial was concluded on October 10, on which day the court entered judgment finding the defendant not guilty.

2763. Adulteration of dried apricots. U. S. v. 515 Cases and 35 Boxes of Dried Apricots (and 3 other seizure actions against dried apricots.) Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 3472, 3473, 3474, 3491. Sample Nos. 46019-E to 46023-E, incl.)

Samples of this product were found to be insect-infested, dirty, and moldy.

On December 5 and 9, 1940, the United States attorney for the Southern District of New York filed libels against 1,366 cases and boxes of dried apricots at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about July 29 to on or about August 23, 1940, by Jack Gomperts & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: "25 Lbs. Net Wt. California Apricots Packed For [or "Distributed By"] Jack Gomperts & Co."

On January 10, 1942, Jack Gomperts, trading and doing business as Jack Gomperts & Co., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

2764. Adulteration of dried apricots. U. S. v. 362 Cases of Dried Apricots. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 3453. Sample No. 14553-E.)

Samples of this product were found to contain rodent hairs, rodent excreta, insect fragments, and miscellaneous filth.

On November 26, 1940, the United States attorney for the Middle District of Pennsylvania filed a libel against 362 cases of dried apricots at New Cumberland, Pa., alleging that the article had been shipped in interstate commerce on or about November 1, 1940, by Reiss & Bernhard, Inc., 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: "25 Lbs. Net Wt. Calif. Apricots Choice Distributed by Jack Gomperts and Co., San Francisco, California."

On January 19, 1942, Jack Gomperts & Co., claimant, having admitted the