

7276. Adulteration of dried figs. U. S. v. 70 Boxes of Dried Figs. Consent decree of condemnation and destruction. (F. D. C. No. 14825. Sample No. 85946-F.)

LIBEL FILED: December 22, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about December 4, 1943, by Guggenhime and Co., from Modesto, Calif.

PRODUCT: 70 boxes, each containing 25 pounds, of dried figs, at Denver, Colo.

LABEL, IN PART: "Buena Fruta * * * Dried White Figs Standard."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed figs.

DISPOSITION: December 27, 1944. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

7277. Adulteration of dried prunes. U. S. v. 2,640 Cases of Dried Prunes. Tried to a jury. Verdict for the Government. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12252. Sample No. 63226-F.)

LIBEL FILED: April 24, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about February 17, 1944, by Rosenberg Bros. & Co., from Portland, Oreg.

PRODUCT: 2,640 25-pound cases of dried prunes at Charlotte, N. C.

LABEL, IN PART: "Northland Brand 40-50 Oregon Prunes."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On July 26, 1944, Rosenberg Bros. & Co., claimant, filed an answer denying the adulteration of the product, and thereafter filed a motion for transfer of the case to a district of reasonable proximity to its place of business. The motion was denied on August 14, 1944, in the following ruling:

WEBB, District Judge: "It appears to the Court that the movant based his right of removal on Section 334 (a), Title 21, United States Code Annotated; however, the Court is of the opinion that the provisions of said Section applies solely to mis-branded articles and in nowise covers articles that have been seized by reason of an alleged adulteration;

"It further appearing to the Court that Section 334 (b), Title 21, United States Code Annotated, fully covers the removal from one district to another of certain cases where seizures have been made of alleged adulterated articles, but the above entitled proceeding is not among those therein designated as removable;

"For the foregoing reasons, the motion to transfer and remove the above entitled cause to another district is therefore denied."

On November 8, 1944, the case having come on for trial before a jury, and a verdict having been returned in favor of the Government, judgment of condemnation was entered and the product was ordered released under bond to be disposed of for purposes other than human consumption, under the supervision of the Food and Drug Administration.

7278. Adulteration of dried prunes. U. S. v. 65 Boxes of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 13891. Sample No. 74646-F.)

LIBEL FILED: October 2, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about October 19, 1943, by the Valley View Packing Co., from San Jose, Calif.

PRODUCT: 65 25-pound boxes of dried prunes, at Tacoma, Wash.

LABEL, IN PART: "Valley Brand Santa Clara Prunes 40/50."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, insect fragments, and insect excreta.

DISPOSITION: January 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.