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-

ufacture of distilled spirits and the remainder held for further order of the court. On August 19, 1941, a supplemental decree was entered ordering that the 100 boxes be returned to the claimant because they could not be utilized as theretofore ordered and further ordering that the entire lot be sorted to separate the good from the bad and that the latter be destroyed.

2054. Misbranding of dates. U. S. v. 562 Cartons and 25 Cartons of Dates. Claim and answer filed. Claimant's petition for release for export denied. Consent decree of condemnation. Product ordered released under bond to be repackaged. (F. D. C. No. 3631. Sample No. 28234–E.)

This product was put up in packages containing 2 layers of dates and labeled "6 Oz." The top layer, which was visible through the cellophane wrapping, contained in 16 dates while the bottom layer contained on an average about 12 dates. Another package of the same size put out by the shipper and packer of this product contained 8 ounces of dates.

On January 4, 1941, the United States attorney for the District of Columbia filed a libel against 562 cartons each containing 36 packages, and 25 cartons each containing 12 packages of dates at Washington, D. C., alleging that the article had been shipped by the Hills Bros. Co. on or about December 5, 6, 10, 11, and 12, 1940, from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. It was labeled in part: "Camel Dates Pitted Net Wt. 6 Oz."

On April 9, 1941, the Hills Bros. Co., Brooklyn, N. Y., claimant, having consented to the entry of a decree, but having petitioned release of the seized goods for export, the court after hearing and argument denied said petition without opinion. Thereupon the claimant having requested authority to repossess the goods to be disposed of in compliance with the law, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged under the supervision of the Food and Drug Administration.

2055. Adulteration of frozen huckleberries. U. S. v. 150 Boxes, 150 Cases, 37 Cases, and 57 Cases of Frozen Huckleberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 3653, 3662, 3668, 3709. Sample Nos. 32678–E, 32857–E, 32859–E, 32860–E.)

Examination showed that this product contained insect larvae.

Between January 8 and 23, 1941, the United States attorney for the Southern District of California filed libels against 150 25-pound boxes and 187 cases each containing 25 pounds of frozen huckleberries at Los Angeles, Calif., and 57 cases each containing 10 pounds of huckleberries at Glendale, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 7 to on or about December 26, 1940, by the S. A. Moffett Co. from Seattle and Mount Vernon, Wash.; and charging that it was adulterated in that it contained a filthy substance.

On February 25 and March 12, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2056. Adulteration and misbranding of potatoes. U. S. v. 255 Sacks of Potatoes. Product ordered released under bond for relabeling or other lawful disposition. (F. D. C. No. 3698. Sample No. 32665–E.)

This product was labeled U. S. No. 1 grade but contained grade defects in excess of the amount permissible in that grade.

On January 23, 1941, the United States attorney for the Southern District of Texas filed a libel against 255 sacks of potatoes at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 4, 1941, by V. L. Adams from Mindon, Nev.; and charging that it was adulterated and misbranded. It was labeled in part: (Sack) "U. S. No. 1 Sound State Potatoes 100 Lbs. Net Weight."

The article was alleged to be adulterated in that potatoes below U. S. No. 1 grade had been substituted in whole or in part for U. S. No. 1 potatoes. It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading since it was incorrect.

On January 27, 1941, J. Craig Allen, claimant, having consented to the entry of a decree, judgment was entered ordering release of the product under bond conditioned that it be relabeled or disposed of otherwise in compliance with the law. It was relabeled by obliterating the statement "U. S. No. 1 Sound State."