**4801. Adulteration of mustard seed. U. S. v. 453 Bags of Mustard Seed. Decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 9504. Sample No. 31796–F.)

This product was stored under insanitary conditions after shipment in interstate commerce and rodent excreta was found on the bags when examined, the bags had been gnawed by rodents, and samples of the product were found to contain rodent excreta.

On March 8, 1943, the United States attorney for the Northern District of Ohio filed a libel against 453 100-pound bags of mustard seed at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about June 26, 1942, from Great Falls, Mont., and that it was in possession of the Harbauer Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On March 11, 1943, the Harbauer Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

**4802. Adulteration of rubbed sage. U. S. v. 38 Cases and 5 Cases of Rubbed Sage. Default decree of condemnation and destruction.** (F. D. C. No. 9369. Sample No. 9928–F.)

This product contained rodent hairs and insect fragments.

On February 12, 1943, the United States attorney for the Southern District of Mississippi filed a libel against 38 cases, each containing 12 cans, and 5 cases, each containing 24 cans, of rubbed sage at Brookhaven, Miss., alleging that the article had been shipped in interstate commerce on or about January 7, 1943, by the Canova Foods, Inc., Memphis, Tenn.; and charging that it was adulterated in that it contained rodent hairs and insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Cans) "Canova Brand Rubbed Sage."

On May 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FRUITS AND VEGETABLES

### CANNED FRUITS

**4803. Adulteration of canned sliced apples. U. S. v. 1,000 Cases of Canned Sliced Apples. Decree of condemnation. Product ordered destroyed.** (F. D. C. No. 9279. Sample No. 32002–F.)

This product was in part decomposed and fermented, and was undergoing chemical decomposition.

On February 1, 1943, the United States attorney for the Middle District of Tennessee filed a libel against 1,000 cases, each containing 6 No. 10 cans, of sliced fancy apples at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about December 30, 1941, by the Adams Apple Products Corporation from Bendersville, Pa.; 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: (Cans) "Adams Maid Brand [Water Added] Seed Celled Sliced Fancy Apples."

On July 16, 1943, the Adams Apple Products Corporation, having theretofore filed an appearance but having failed to answer or proceed further, judgment of condemnation was entered and the product was ordered destroyed.

**4804. Misbranding of canned cherries. U. S. v. 106 Cases of Canned Cherries. Decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 7573. Sample No. 61296–E.)

On May 29, 1942, the United States attorney for the District of Minnesota filed a libel against 106 cases, each containing 6 No. 10 cans, of cherries at Thief River Falls, Minn., alleging that the article had been shipped in interstate commerce on or about May 4, 1942, by the Spencer Packing Co. from Yakima, Wash.; and charging that it was misbranded. The article was labeled in part: (Cans) "Tradewell Brand Red Sour Pitted Charries Packed By Lebanon Fruit Growers Association, Lebanon, Oregon."