

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-cv-00042-slc

Undetermined quantities of cases of an
article of food, each case containing
12/7 ounce packages, labeled in part:

(case)

“*** STRAWBERRY DREAMS *** 12 x 7 OZ.
Manufacture Code ***”

(package)

“*** Juicee Gumme *** Strawberry Dreams
***INGREDIENTS: CORN SYRUP *** A Company
of: GRUPO BIMBO *** PRODUCT OF MEXICO
****”

and,

all other articles of food in various sizes and
types of containers (excluding metal and glass
containers) that are located anywhere on the
premises of Mid-States Closeouts, 254 South
Chestnut Street, Ellsworth, Wisconsin, to which
are affixed labels and labels bearing, among
other things, the name and address of the
manufacturer, packer, or distributor located
outside the State of Wisconsin, or which are
otherwise determined to have originated outside
the State of Wisconsin,

Defendants.

**DEFAULT JUDGMENT AND DECREE OF
CONDEMNATION, FORFEITURE, AND DESTRUCTION**

On February 1, 2010, a Verified Complaint for Forfeiture against the above-
captioned articles (“Defendant Articles”) was filed in this Court. The Verified

Complaint for Forfeiture alleges that the Defendant Articles of food are adulterated, while held for sale after shipment of one or more of their ingredients in interstate commerce, within the meaning of the Federal Food, Drug, and Cosmetic Act (the "Act"), 21 U.S.C. § 342(a)(4), in that they are held under insanitary conditions whereby they may have become contaminated with filth. Thus, the Defendant Articles are subject to seizure, condemnation, and forfeiture to the United States under 21 U.S.C. § 334.

Pursuant to a Warrant for Arrest issued by this Court, the United States Marshal seized the Defendant Articles on February 2, 2010.

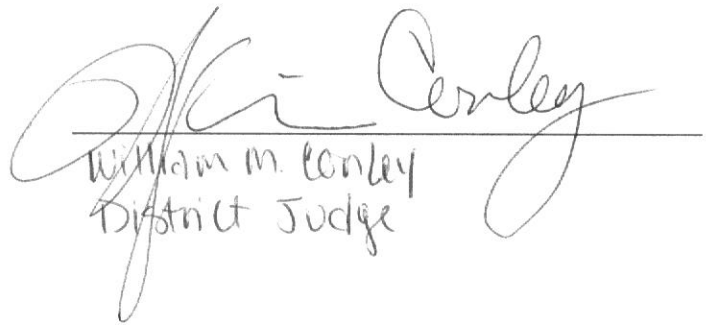
It appearing that process was duly issued in this action and returned; that public notice of the arrest and seizure of the Defendant Articles was given; and that no person or entity has appeared to claim the Defendant Articles within the time specified by the Warrant for Arrest and Rule G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, based on the motion of the United States for a Default Judgment, it is hereby:

ORDERED, ADJUDGED, AND DECREED, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, that the default of all persons and entities having any right, title, or interest in the Defendant Articles under seizure, including Mid-States Closeouts and Mark A. Reisdorf, be and is hereby entered; and it is further

ORDERED, ADJUDGED, AND DECREED, that the Defendant Articles are adulterated while held for sale after shipment of one or more of their ingredients in interstate commerce, within the meaning of the Act, 21 U.S.C. § 342(a)(4), in that they are held under insanitary conditions whereby they may have become contaminated with filth; and it is further

ORDERED, ADJUDGED, AND DECREED, pursuant to 21 U.S.C. § 334, that the United States Marshal shall forthwith destroy the forfeited and condemned Defendant Articles and make due return to this Court. Destruction shall be in a manner that complies with applicable federal and state law and in the presence of a representative from the United States Food and Drug Administration.

Dated this May day of 19th, 2010.



William M. Conley
District Judge