On November 30, 1931, the Phillips Packing Co. (Inc.), claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of $1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession, and further conditioned that it be relabeled in part: "Below U. S. Standard. Low Quality, But Not Illegal." The decree further ordered that the bond be filed within 15 days from the date of the decree—which by order of December 3, 1931, was extended to 30 days—otherwise that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19113. Adulteration and misbranding of apples. U. S. v. 180 Barrels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27237. I. S. No. 37571. S. No. 5418.)

Arsenic and lead having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On November 12, 1931 the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 180 barrels of apples, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by J. G. Maples from Tabler, W. Va., on or about November 5, 1931, and had been transported from the State of West Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "The Associated Orchards, Martinsburg, W. Va., J. G. Maples, Sales Manager * * * Peter Rabbit Brand York Imperials."

It was alleged in the libel that the article was adulterated for the reason that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead, which might have rendered the article harmful to health.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1931, the Associated Orchards, Martinsburg, W. Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for washing and relabeling under the supervision of this department, upon payment of costs and the execution of a bond in the sum of $850, conditioned that the apples should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19114. Adulteration of dried figs. U. S. v. 25 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27098. I. S. No. 264. S. No. 5334.)

Samples of dried figs from the shipment herein described having been found to be decomposed and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 boxes of dried figs at Seattle, Wash., alleging that the article had been shipped on or about October 12, 1931, by Joe Mangini Draying Co. (Inc.), from San Francisco, Calif., and had been transported in interstate commerce from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Shasta Brand Fancy White Adriatic Figs Grown and Packed by A. Ghiandi, Thormalito, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 11, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*