

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

## NOTICE OF JUDGMENT NO. 1416.

(Given pursuant to section 4 of the Food and Drugs Act.)

---

### ADULTERATION OF EVAPORATED APPLES.

On November 20, 1911, the United States Attorney for the District of Columbia, acting upon a report of the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel praying condemnation and forfeiture of four cases of evaporated apples in the possession of Elphonzo Youngs Co. (Inc.), Washington, D. C. Two of the cases were labeled: "Blue Ridge Brand Choice Evaporated Apples 48 Cartons." Each of the unit packages in these cases was labeled: "Blue Ridge Brand Choice Evaporated Apples." The other two cases were labeled: "Dixie Brand Choice Winesap Evaporated Apples, 1 lb. cartons 48 lbs. net." Each carton in these cases was labeled: "Dixie Brand Choice Evaporated Apples."

An examination of two samples of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed them to contain many small pieces not well trimmed, and further that the product was covered with sugar mites. The libel alleged that the product, after transportation from the State of Virginia into the District of Columbia, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because they were in a filthy, decomposed condition and infested with worms and other animal matter, for which reasons the same are absolutely unfit for human food, and therefore liable to seizure for confiscation.

On December 15, 1911, the case coming on for hearing, and it appearing to the court that Elphonzo Youngs Co. (Inc.) and David Wallerstein & Co. had entered their appearance as the owners and guarantors of the aforesaid product and had filed their plea and answer consenting to a decree of condemnation and paid all the costs of the proceedings, the court entered a decree finding the product adulterated as alleged and condemning and forfeiting the said product to the United States and ordering its destruction by the marshal.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 16, 1912.*