

18006. Adulteration and misbranding of evaporated apples. U. S. v. 25 Boxes, et al., of Evaporated Apples. Default decrees of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. Nos. 25474, 25567, 25569, 25570, 25571. I. S. Nos. 14402, 14516. S. No. 3738.)

Samples of evaporated apples from the shipments herein described having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On December 15, 1930, and January 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 25 boxes and 348 cases of evaporated apples, remaining in the original unbroken packages at Columbus, Ga., alleging that the article had been shipped by the Smith Evaporating Co., from Farmington, Ark., on or about October 2, 1930, and transported from the State of Arkansas into the State of Georgia, and charging that the article was adulterated, and that a portion was misbranded, in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Wonder Brand Manufactured and Packed by Smith Evaporating Co., Farmington, Ark."

Adulteration was alleged in one libel, involving a portion of the product, for the reason that a substance containing excessive moisture had been substituted for the article. Adulteration was alleged in the libels, with respect to the remainder of the article, for the reason that insufficiently evaporated apples had been substituted wholly or partly for the said article.

Misbranding was alleged with respect to the greater portion of the article for the reason that the statement on the label, "Evaporated Apples," was false and misleading, and deceived and misled the purchaser when applied to insufficiently evaporated apples.

On February 5, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18007. Adulteration of catsup. U. S. v. 150 Cases of Catsup. Default order of destruction entered. (F. & D. No. 25608. I. S. No. 13520. S. No. 3855.)

Samples of tomato catsup from the shipment herein described having been found to contain mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On January 6, 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 150 cases of tomato catsup, remaining in the original packages at Zanesville, Ohio, alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., on or about October 17, 1930, and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Tastwel Brand * * * Tomato Catsup W. W. Harper Co., Zanesville, Ohio."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 9, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18008. Adulteration of canned pimientos. U. S. v. 47 Cases of Canned Pimientos. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25588. I. S. No. 13256. S. No. 3899.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On December 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 47 cases of canned pimientos at Kansas City, Mo., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 1, 1930, and had been transported from the State of Georgia into the State of Missouri, and charging adulteration in violation of the