

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article for the further reason that the statement "Pure Cocoa" was false and misleading, and deceived and misled the purchaser when applied to cocoa containing added shell material.

On December 7, 1931, no claimant having appeared for the property, 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.*

**19094. Adulteration of raspberry puree. U. S. v. 15 Barrels of Raspberry Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26973. I. S. Nos. 12972, 31308. S. No. 5080.)**

Samples of raspberry puree from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On September 15, 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 15 barrels of raspberry puree, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on or about July 18, 1931, from Tacoma, Wash., consigned by the R. D. Bodle Co., and had been transported in interstate commerce from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Raspberry Puree."

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

On December 4, 1931, 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.*

**19095. Adulteration of dried figs. U. S. v. 593 Boxes of Dried Figs. Consent decree of condemnation and forfeiture. Product released under bond for salvage; subsequently destroyed. (F. & D. No. 27089. I. S. No. 29289. S. No. 5332.)**

Samples of dried figs from the shipment herein described having been found to be moldy, sour, and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 16, 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 593 boxes of dried figs at New York, N. Y., alleging that the article had been shipped by George Zaninovich, from Orange Cove, Calif., on or about September 30, 1931, and had been transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 17, 1931, George Zaninovich, Orange Cove, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The decree provided that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that the good portion be separated from the bad portion, and that the rejections, or the entire lot in the event the separation had not been accomplished to the satisfaction of this department, be destroyed or denatured. The results of the attempted salvaging having been unsatisfactory, the product was destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19096. Adulteration of apples. U. S. v. 714 Boxes of Apples. Decree entered providing for release of product under bond. (F. & D. No. 27087. I. S. No. 44544. S. No. 5329.)**

Examination of samples of apples from the shipment herein described having shown that the product contained added lead and arsenic, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On or about October 17, 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 714 boxes of apples at Kansas City, Kans., alleging that the article had been shipped by the Wenatchee Okanogan Cooperative Federation, from Wenatchee, Wash., on or about September 30, 1931, and had been transported from the State of Washington into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "100 Ex Fancy Delicious \* \* \* J. T. Cole Wenatchee Wash. Wenoka Apples \* \* \* Grown and Packed by Wenatchee Federated Growers, Wenatchee Wash."

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

On January 21, 1932, the Midwest Ice & Cold Storage Co., Kansas City, Kans., having appeared as claimant for the property, judgment was entered finding the product adulterated as charged in the libel, and it was ordered by the court that the claimant be allowed to treat the apples under the supervision of this department in such manner that they would be made to comply with the Federal food and drugs act, upon the execution of a bond in the sum of \$2,000. It was further ordered that upon compliance with the terms of the decree, the apples be released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19097. Misbranding of canned peas. U. S. v. 356 Cases, et al., of Canned Peas. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. Nos. 27074, 27090. I. S. Nos. 35092, 35095. S. Nos. 5304, 5328.)

Examination of samples of canned peas from the shipments herein described having shown that the article fell below the standard promulgated by this department for canned peas, in that it contained hard peas, and the label having failed to bear a statement that the article fell below such standard, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about October 19 and October 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 594 cases of canned peas at Chicago, Ill., alleging that the article had been shipped by the Wabash Canning Corporation, Wabash, Ind., on or about July 18 and July 31, 1931, and had been transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "White Cloud Brand Selected Early June Peas \* \* \* Wabash Packed Fresh From the Field, by the Wabash Canning Corporation, Wabash, Ind."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, in that it contained hard peas and the labels did not bear the statement prescribed by the Secretary of Agriculture indicating that such product fell below such standard.

On January 5, 1932, the Wabash Canning Corporation, Wabash, Ind., claimant, having admitted the allegations of the libels, and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon the payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act, or to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19098. Adulteration of tomato catsup. U. S. v. 68 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 27050. I. S. No. 21635. S. No. 5285.)

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

On October 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 68 cases of tomato catsup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by