

**19953. Adulteration of apples. U. S. v. 9 Boxes of Apples. Default decree of condemnation and destruction.** (F. & D. No. 28211. I. S. No. 53363. S. No. 6087.)

Arsenic and lead in amounts that might have rendered the article injurious to health, were found on apples taken from the shipment involved in this action.

On April 18, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 boxes of apples, remaining in the original and unbroken cases at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about March 25, 1932, by the Universal Fruit Co., from Wenatchee, Wash., to Cleveland, Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) "Redman Brand Wenatchee District Apples."

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

On July 8, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19954. Adulteration of tomato puree and tomato catsup. U. S. v. 160 Cases of Tomato Puree, et al. Default decrees of condemnation, forfeiture, and destruction.** (F & D. Nos. 28256, 28257. I. S. Nos. 53732, 53733. S. No. 6095.)

These actions involved the interstate shipment of quantities of tomato puree and tomato catsup, samples of which were found to contain excessive mold.

On April 28, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 160 cases of tomato puree and 296 cases of tomato catsup at San Antonio, Tex., alleging that the products had been shipped in interstate commerce on or about March 25, 1932, by the Currie Canning Co., from Grand Junction, Colo., to San Antonio, Tex., and charging adulteration in violation of the food and drugs act. The products were each labeled in part: (Cans) "Mesa Brand Tomato Puree [or "Tomato Catsup"] Packed by the Currie Canning Co., Grand Junction, Colo."

It was alleged in the libels that the products were adulterated in that they consisted in part of decomposed vegetable substances.

On June 14, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19955. Adulteration and misbranding of canned cherries. U. S. v. 57 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 28016. I. S. No. 31861. S. No. 6076.)

This action involved the interstate shipment of a quantity of canned cherries, samples of which were found to contain excessive pits. The article also fell below the standard for canned cherries promulgated by the Secretary of Agriculture, and was not labeled to indicate that it was substandard.

On April 18, 1932, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 57 cases of canned cherries, remaining in the original unbroken packages at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about December 1, 1931, by the California Packing Corporation, from Vancouver, Wash., to Sheridan, Wyo., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Springwater Brand Sour Pitted Cherries \* \* \* Packed by Springbrook Packing Co., Springbrook, Oregon."

It was alleged in the libel that the article was adulterated in that partially pitted cherries had been substituted for pitted cherries.

Misbranding was alleged for the reason that the article was labeled, "Springwater Brand Sour Pitted Cherries Net Weight 6 lb. 4 Oz.," which was false and misleading, and for the further reason that the article was labeled so as to de-