

20193. Adulteration of pears. U.S. v. 532 Boxes of Pears. Product ordered released under bond for removal of spray residue. (F. & D. no. 28935. Sample no. 12429-A.)

This action involved the interstate shipment of a quantity of pears which were found to bear arsenic and lead spray residue.

On September 1, 1932, the United States attorney for the District of New Jersey, 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 532 boxes of pears. It was alleged in the libel that the article had been shipped in interstate commerce on or about August 18, 1932, by Lambert Marketing Co., from Tehachapi, Calif., consigned to itself at New York, N.Y., that it remained in the original unbroken packages in storage at Jersey City, N.J., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Tejon Tehachapi Bartletts * * * Packed by Lambert Marketing Co., * * * Sacramento, Cal."

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

On September 6, 1932, the Lambert Marketing Co., Inc., Sacramento, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the property, judgment was entered by the court ordering 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 that all pears found to bear excessive arsenic and lead spray residue be cleaned, and that the article should not be sold or disposed of until inspected by this Department and found to comply with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20194. Adulteration and misbranding of butter. U.S. v. 35 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28903. Sample no. 4667-A.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On or about August 23, 1932, the United States attorney for the Eastern District of Michigan, 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 35 tubs of butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 15, 1932, by the Strawberry Point Farmers Creamery Association, from Strawberry Point, Iowa, to Detroit, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 22, 1932, the Strawberry Point Farmers Creamery Association, Strawberry Point, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 that it be reworked so as to comply with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20195. Adulteration of butter. U.S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28886. Sample no. 12263-A.)

This case involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 18, 1932, the United States attorney for the Southern District of New York, 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