

On October 24, 1932, the Nelson-Ricks Creamery Co., Rexburg, Idaho, claimant, 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 \$400, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, and that it be made to conform to the law under the supervision of this Department.

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

20460. Adulteration of apples. U. S. v. 52 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29224. Sample nos. 5015-A, 5016-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 12, 1932, the United States attorney for the Eastern District of Wisconsin, 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 52 bushels of apples, remaining in the original unbroken packages at Kenosha, Wis., alleging that the article had been shipped in interstate commerce on or about October 9, 1932, by Mike Kempf, from South Haven, Mich., to Kenosha, Wis., and charging adulteration in violation of the Foods and Drugs Act.

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 it harmful to health.

On November 11, 1932, 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.

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

20461. Adulteration of cauliflower. U. S. v. 26 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29277. Sample no. 21119-A.)

This action involved the interstate shipment of a quantity of cauliflower, samples of which were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 29, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 26 crates of cauliflower, consigned by E. Lotysh, Cranbury, N.J., remaining in the original and unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about October 28, 1932, from Cranbury, N.J., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic.

On November 18, 1932, 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.

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

20462. Misbranding of canned orange juice and canned grapefruit juice. U. S. v. Orlando Canning Co. Plea of guilty. Fine, \$50. (F. & D. no. 27535. I. S. nos. 11118, 11119, 11120, 11126, 11127, 11128, 11129, 12399, 12436, 12437, 12520, 21958, 21996, 21997, 21998, 22077, 22078, 22079.)

This action was based on the interstate shipment of quantities of canned orange juice and canned grapefruit juice, sample cans of which were found to contain less than the declared volume.

On October 21, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Orlando Canning Co., a corporation, Orlando, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, from the State of Florida, into the States of California, Oregon, and Wash-

ington, of quantities of canned orange juice and canned grapefruit juice that were misbranded. The information charged that the shipments had been made on various dates, the first on or about January 9, 1931, and the last shipment some time (exact date unknown) in March 1931. The articles were labeled in part: (Cans) "Heart of Florida Brand Juice Fancy Florida Grapefruit [or "Pure Florida Orange Juice"] * * * Packed by Orlando Canning Co., Inc. Orlando, Florida." The cans also bore declarations of the quantity of the contents.

It was alleged in the information that the articles were misbranded in that the statements, "Contents 20 Fluid Oz. or 567 Grams", "Contents 11 fluid oz. or 312 grams", "Contents 10½ Fld. Ozs. or 297 Grams", and "Contents 11 Oz. or 312 Grams", borne on the cans containing the respective articles, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than declared. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

20463. Adulteration and misbranding of jellies. U. S. v. Daniel L. Reed and George B. Niblock (Tropical Preserving Co.). Pleas of guilty. Fine, \$12. (F. & D. no. 28091. I. S. nos. 13130, 21370, 21371, 21372, 21373.)

This action was based on the interstate shipment of quantities of jellies which were found to consist of imitation jellies, artificially colored and flavored, and containing little or no grape, strawberry, raspberry, or cherry, the various fruits by which they were designated. Sample jars taken from each of the lots were found to contain less than the declared weight.

On November 12, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Daniel L. Reed and George B. Niblock, copartners, trading as the Tropical Preserving Co., Los Angeles, Calif., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 2 and June 4, 1931, from the State of California into the State of Arizona, of quantities of jellies that were adulterated and misbranded. The articles were labeled, variously: (Glasses) "True Fruit Doris Brand Grape [or "Strawberry" or "Raspberry" or "Cherry"] Jellied Product Jellied with 1-10 oz. fruit pectin. Fruit Acid and Artificial Color added Net Contents 15½ Oz. Tropical Preserving Co. Los Angeles, Calif."

It was alleged in the information that the articles were adulterated in that substances, imitation grape jelly, imitation strawberry jelly, imitation raspberry jelly, and imitation cherry jelly, had been substituted for true grape, strawberry, raspberry, and cherry jellies, which the articles purported to be.

Misbranding was alleged for the reason that the statement, "Net Contents 15½ Oz.", borne on the labels, and the statements, in large conspicuous type, "True Fruit * * * Grape", "True Fruit * * * Strawberry", "True Fruit * * * Raspberry", "True Fruit * * * Cherry", followed by the words "Jellied Product" borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the statements represented that the glasses contained 15½ ounces, and that the articles were true fruit jellies, whereas each of a number of the jars contained less than 15½ ounces, and the articles were deficient in fruit juices, containing little, if any, of the designated fruit juices. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the labels bore an incorrect statement of the quantity of the contents.

On November 21, 1932, the defendants each entered a plea of guilty to the information, and the court imposed a fine of \$12.

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