

Court of the United States for the district aforesaid a libel praying seizure and condemnation of 710 boxes of apples at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about October 27, 1932, by the Northwestern Fruit Exchange, from Stratford, Wash., to Billings, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Delicious Wash. * * * Grown by Stratford Orchards Co. Stratford, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, in an amount which might have rendered the article injurious to health.

On January 10, 1933, 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.

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

20507. Adulteration of cauliflower. U. S. v. 250 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction of 171 crates; 79 crates of the product released. (F. & D. no. 29260. Sample no. 7615-A.)

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

On October 17, 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 a libel praying seizure and condemnation of 250 crates of cauliflower, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 6, 1932, by Celery Vale Farms, from Denver, Colo., to Jacksonville, Fla., 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, which might have rendered the article injurious to health.

The consignor, the Celery Vale Farms, Denver, Colo., and the consignee, the Winn & Lovett Grocery Co., Inc., Jacksonville, Fla., entered an appearance and filed a claim for 79 crates of the product representing that the cauliflower in this lot had not been sprayed with arsenic, and consented to the destruction of the remainder. Examination of the said 79 crates having shown that they contained no arsenic, on October 26, 1932, judgment was entered ordering that they be released and that the remainder be condemned and destroyed.

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

20508. Adulteration and misbranding of loganberry juice. U. S. v. Northwest, Inc., and Cuthbert M. Miall and Carl Huber, Officers of the Corporation. Pleas of guilty. Fine, \$2. (F. & D. no. 28134. I. S. no. 40028.)

This action involved the interstate shipment of a product represented to be pure loganberry juice, which contained undeclared added water. The article also contained added sugar which was not clearly and conspicuously declared on the label, since the declaration appeared in a position and type not readily noticeable.

On December 15, 1932, the United States attorney for the District of Oregon, 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 Northwest, Inc., Salem, Oreg., and Cuthbert M. Miall and Carl Huber, officers of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 24, 1931, from the State of Oregon into the State of Illinois, of a quantity of loganberry juice that was adulterated and misbranded. The article was labeled in part: (Case) "Northwest Canning Company, Salem, Oregon, * * * U. S. A. Phez Pure Juice of the Loganberry", (bottle) "Pressed from Luscious Oregon Loganberries * * * Phez Pure Juice of the Loganberry, * * * Northwest Fruit Products Co."

It was alleged in the information that the article was adulterated in that an added, undeclared substance, water, and an added declared substance, sugar, which was declared on the label in a manner not readily noticeable, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure juice of the loganberry, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Pure Juice of the Loganberry", appearing on the case and also appearing in large conspicuous type on contrasting background on the bottle label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that the said statements represented that the article consisted solely of pure juice of the loganberry, whereas it consisted in part of undeclared, added water and added sugar that was declared on the label in a manner not readily noticeable in faint type on non-contrasting background. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On December 15, 1932, pleas of guilty to the information were entered on behalf of the defendant company and by the officers individually, and the court imposed a fine of \$2.

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

20509. Adulteration and misbranding of Swiss cheese. U. S. v. 21 Tubs and 9 Tubs of Swiss Cheese. Consent decree of condemnation and forfeiture. Product released under bond to be used in making process cheese. (F. & D. no. 29200. Sample nos. 4394-A, 4400-A, 4424-A, 4425-A.)

Samples taken from the Swiss cheese involved in this case showed that some of the cheese was deficient in fat.

On or about November 9, 1932, the United States attorney for the Northern District of Illinois, 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 30 tubs of Swiss cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce in part on or about August 26, 1932, and in part on or about August 28, 1932, by Carl Marty, from Monroe, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, "From Carl Marty Monroe Wis.", and was invoiced as Swiss cheese.

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted in part for Swiss cheese, which the article purported to be.

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

On December 22, 1932, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and 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 should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws. The decree further provided that the product might be used in the manufacture of pasteurized process cheese.

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

20510. Adulteration of Swiss cheese. U. S. v. 3 Tubs, et al., of Swiss Cheese. Consent decree of condemnation and forfeiture. Product released under bond to be used in making process cheese. (F. & D. nos. 29193, 29194. Sample nos. 4393-A, 4398-A, 4399-A, 4421-A, 4422-A.)

Samples taken from the Swiss cheese involved in these cases showed that some of the cheese was deficient in fat.

On or about November 9, 1932, the United States attorney for the Northern District of Illinois, 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 18 tubs of Swiss cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about August 10, August 17, and August 23, 1932, in part by N. Dorman & Co., and in part by the Abplanalp Co., respectively, from Monroe, Wis., to Chicago, Ill., and charging adulteration 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 fat had been substituted in part for Swiss cheese, which the article purported to be.

On December 22, 1932, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and 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