

20863. Adulteration of tullibeas. U. S. v. 13 Boxes of Fresh Fish (Tullibeas). Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29819. Sample no. 28543-A.)

This action involved the interstate shipment of a quantity of tullibeas that were found to be infested with worms.

On January 23, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 13 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped on or about January 20, 1933, by T. S. Squires, from Warroad, Minn., 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 it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, 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.*

20864. Adulteration of apples. U. S. v. 756 Boxes of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30010. Sample no. 27096-A.)

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On March 15, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 756 boxes of apples at Cincinnati, Ohio, consigned by the Independent Fruit Shippers, February 28, 1933, alleging that the article had been shipped in interstate commerce, from Wenatchee, Wash., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sno-Fed Brand Apples Independent Fruit Shippers, Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained arsenic and lead, added poisonous or deleterious ingredients.

On March 17, 1933, the M. deGarro Co., 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 claimant upon payment of costs and the execution of a bond in the sum of \$1,700, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

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

20865. Adulteration and misbranding of dried split green peas. U. S. v. 512 Sacks and 50 Sacks of Dried Split Green Peas. Decrees of condemnation and forfeiture. Portion of product released under bond for chicken feed; remainder destroyed. (F. & D. nos. 29859, 29900. Sample no. 21572-A.)

These cases involved certain lots of dried peas that were insect-infested and insect-damaged, contained in sacks not labeled with a statement of the quantity of the contents.

On February 17, 1933, 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 a libel praying seizure and condemnation of 512 sacks of dried split green peas at Jersey City, N.J. On March 2, 1933, the United States attorney for the Southern District of New York filed a libel against 50 sacks of the same product at New York, N.Y. It was alleged in the libels that the article had been shipped by Charles H. Lilly & Co., from Seattle, Wash., on or about January 7, 1933, that it had been transported from the State of Washington into the States of New Jersey and New York, respectively, and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding was charged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 29, 1933, no claim or appearance having been entered in the New York case, judgment was entered ordering that the product be condemned and destroyed. On April 25, 1933, Charles H. Lilly Co., Seattle, Wash., having appeared as claimant in the case instituted in the District of New Jersey, 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 claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be rendered unfit for human consumption and used as chicken feed.

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

20866. Adulteration of apples. U. S. v. 50 Bushels and 202 Bushels of Apples. Product released under bond for separation and destruction of unfit portion. (F. & D. nos. 29138, 29230. Sample nos. 23964-A, 23965-A.)

These cases involved interstate shipments of apples, samples of which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On October 4 and October 12, 1932, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 252 bushels of apples at Hannibal, Mo., alleging that the article had been shipped in interstate commerce, in various lots on or about September 19, 21, and 22, 1932, by H. M. Seymour, from Payson, Ill., to Hannibal, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grimes Golden * * * Washed Apples Grown and Packed by H. M. Seymour, Payson, Ill."

It was alleged in the libels that the article was adulterated in that it contained added lead and arsenic, which might have rendered it deleterious to health.

On October 24, 1932, H. M. Seymour, Payson, Ill., having filed claims and answers admitting the allegations of the libels, but representing that the unfit apples could be separated from those fit for human consumption, judgments were entered ordering that the product be released to the claimant under bonds amounting to \$500, conditioned that the unfit portion be destroyed, and that claimant pay costs of the proceedings.

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

20867. Adulteration of apples. U. S. v. 18 Bushels and 7 Bushels of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29607, 29608. Sample nos. 29954-A, 29972-A.)

These cases involved shipments of apples bearing arsenic and lead in amounts that might have rendered them injurious to health.

On November 9, 1932, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 25 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce, on or about October 26 and October 27, 1932, by H. Shlensky & Son, from Benton Harbor, Mich., to Hammond, Ind., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Ryno Wendzel Coloma, Mich. * * * N. Spie", and the remainder was labeled in part: "Fred Rosenbaum R3 Benton Harbor Mich * * * Pippin."

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

On March 6, 1933, no claimant having appeared for the property, and the apples being then in a decaying condition, judgments of condemnation and forfeiture were 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.*

20868. Adulteration and misbranding of butter. U. S. v. 15 Cases and 10 Cases of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. nos. 30395, 30396. Sample nos. 28721-A, 28756-A.)

These cases involved interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.