

21767. Adulteration of apples. U. S. v. 41 Bushels of Apples. Default decree of destruction. (F. & D. no. 31641. Sample no. 57722-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 October 16, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 bushels of apples at Miles, Tex., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, by J. D. Simmons, from the State of Oklahoma into the State of Texas, 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 added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 17, 1933, the allegations of the libel having been admitted by the owner of the property, judgment was entered ordering that the apples be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21768. Adulteration of apples. U. S. v. 29 Bushel Baskets of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31229. Sample no. 55514-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 October 2, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bushel baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 27, 1933, by H. C. Richardson, from Wyoming, Del., 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 added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 28, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21769. Adulteration of apples. U. S. v. 100 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31640. Sample no. 55933-A.)

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

On or about September 28, 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 100 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 16, 1933, by Chas. Lawson, from Omena, Mich., 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 added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 14, 1933, Thomas S. Smith & Co., Hart, Mich., 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 good and sufficient bond, conditioned that the apples be washed under the supervision of this Department, in order to remove the deleterious ingredients.

M. L. WILSON, *Acting Secretary of Agriculture.*

21770. Adulteration of ripe olives. U. S. v. 183 Barrels of Ripe Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31230. Sample no. 55776-A.)

This case involved a shipment of ripe olives which were found to be extremely bitter, an appreciable number being moldy.

On October 11, 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 183 barrels of ripe olives at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 14, 1933, by Frank Cimino, from Madera, Calif., 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 decomposed, filthy, and putrid vegetable substance.

On November 13, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21771. Adulteration of tomato puree. U. S. v. The Wooster Preserving Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 29452. I.S. no. 44791.)

This case was based on an interstate shipment of tomato puree that was found to contain excessive mold.

On April 14, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wooster Preserving Co., a corporation, Wooster, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about August 21, 1931, from the State of Ohio into the State of West Virginia, of a quantity of tomato puree that was adulterated. The article was labeled in part: "Cedar Valley Brand Puree * * * Packed By The Wooster Preserving Co. Wooster, Ohio."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On November 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21772. Misbranding of olive oil. U. S. v. 20 Dozen Bottles, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31259, 31593, 31744. Sample nos. 47192-A, 47193-A, 52116-A, 55519-A.)

These cases involved olive oil contained in triangular-shaped bottles, two sides concave and one side flat. The bottles conveyed the deceptive impression that they contained more than the actual contents, which impression was not corrected by the declaration of the contents, since the statement of the contents was embossed in reverse on the outside of the bottles near the base and could be read only with difficulty, and by looking through the bottle, the contents further interfering with legibility.

On October 20, 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 a libel praying seizure and condemnation of 20 dozen bottles of olive oil at Atlantic City, N.J. On November 16 and December 18, 1933, respectively, libels were filed against 280 bottles of olive oil at Boston, Mass., and 9½ cases of olive oil at Irvington N.J. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of June 13, and October 19, 1933, by DeLuca & Co. or A. DeLuca & Co., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Pure Imported Olive Oil De Luca & Co., N. Y.", (embossed on bottle) "2 Oz." or "6 Oz."

The libels charged that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package.

On November 24, 1933, and January 8 and January 31, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*