

22805. Adulteration of cabbage. U. S. v. 434 Hampers and 430 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 32837, 32838. Sample nos. 62487-A, 62489-A.)

This case involved two shipments of cabbage, one of which contained excessive arsenic, and the other of which contained excessive arsenic and lead.

On May 19 and May 23, 1934, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 864 hampers of cabbage at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about May 16, 1934, in part by C. E. Gibson, of Norman, S. C., from Meggett, S. C., and in part by C. E. Gibbons, of Meggett, S. C., from McGibson, S. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gibson Brand Grown and Packed by Chas. M. Gibson Co., Meggett, S. C."

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

On June 20 and June 25, 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.

22806. Adulteration of frozen eggs. U. S. v. 625 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond for segregation of unfit portion. (F. & D. no. 32844. Sample nos. 71576-A, 71577-A.)

This case involved a shipment of frozen eggs which were in part decomposed.

On June 11, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 625 cans of frozen eggs at Buffalo, N. Y., consigned by Swift & Co., alleging that the article had been shipped in interstate commerce on or about May 2, 1934, from 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 decomposed animal substance.

Swift & Co., filed a claim and answer admitting the allegations of the libel and consenting to the entry of a decree, and petitioned that the goods be released, alleging that only a part thereof were adulterated. On July 5, 1934, 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 \$5,200, conditioned that it be examined and the portion found to be adulterated segregated and denatured or destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

22807. Adulteration and misbranding of alleged oat clips. U. S. v. 603 Bags and 570 Bags of Oat Clips. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32846, 32847. Sample nos. 49907-A, 49908-A.)

These cases involved shipments of a product represented to be oat clips. Examination showed that it was not oat clips but was oat screenings and miscellaneous elevator dust; also that it was contaminated with insects, rodent excreta, and other foreign matter.

On June 11, 1934, the United States attorneys for the Eastern District of Pennsylvania and the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 603 bags of alleged oat clips at Linfield, Pa., and 570 bags of the same product at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce, in part on or about April 24, 1934, and in part on or about April 27, 1934, by J. J. Badenoch Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

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