

23194. Adulteration of apples. U. S. v. 115 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 33444. Sample no. 7477-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead.

On August 24, 1934, 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 115 baskets of apples at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about August 16, 1934, by A. J. Todkill, from Barker, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 24, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

23195. Adulteration of canned shrimp. U. S. v. 189 Cases of Canned Shrimp. Decree of condemnation. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 33456. Sample no. 11327-B.)

This case involved a shipment of canned shrimp that was in part decomposed.

On September 14, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 189 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about August 30, 1934, by the Southern Shell Fish Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Palm Brand Shrimp * * * Packed by Southern Shell Fish Co., Inc., Harvey, La."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 24, 1934, the Southern Shell Fish Co., Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

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

23196. Adulteration of pears. U. S. v. 292 Bushels of Pears. Default decree of condemnation and destruction. (F. & D. no. 33480. Sample no. 2331-B.)

This case involved a shipment of pears which were found to contain arsenic and lead.

On August 23, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 292 bushels of pears at Denver, Colo., consigned by Sterling H. Nelson Co., alleging that the article had been shipped in interstate commerce on or about August 16, 1934, from Caryhurst, Utah, 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 injurious to health.

On October 18, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23197. Adulteration and misbranding of butter. U. S. v. 75 Tubs of Butter. Product released under bond. (F. & D. no. 33483. Sample no. 4410-B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat. The containers were not marked with a statement of the quantity of the contents.

On August 24, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 tubs of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce,

on or about May 30, June 5, and June 29, 1934, by the Central Illinois Creamery Co., from Nokomis, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

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

On October 31, 1934, the Central Illinois Creamery Co., Nokomis, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the property, judgment was entered finding the product adulterated and misbranded and ordering that it be released under bond, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

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

23198. Adulteration of apples. U. S. v. 244 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 33487. Sample no. 11335-B.)

Examination of the apples involved in this case showed the presence of lead and arsenic spray residue.

On September 5, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 244 boxes of apples at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about August 23, 1934, by the Fruit Sales, Inc., from Soap Lake, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jim Hill Brand Apples * * * Fruit Sales Incorporated, Wenatchee, Washington, exclusive Distributors."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On October 3, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23199. Misbranding of canned tomatoes. U. S. v. 497 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33498. Sample no. 6279-B.)

This case involved a shipment of canned tomatoes that were of poor color and were not labeled to show that they were substandard. The product was also falsely labeled as to the name of the manufacturer and place of manufacture.

On or about September 20, 1934, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 497 cases of canned tomatoes at Atlanta, Ga., alleging that the article had been shipped in interstate commerce, on or about June 19, 1934, by the Hazlehurst Canning Co., from Hazlehurst, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Shaver's Brand Hand Packed Tomatoes * * * Packed by H. A. Shaver, Inc., Lakeland, Fla."

The article was alleged to be misbranded in that the statement on the label, "Packed by H. A. Shaver, Lakeland, Fla.," was false and misleading and tended to deceive and mislead the purchaser, since it was packed by the Hazlehurst Canning Co., Hazlehurst, Miss. Misbranding was alleged for the further reason that the article was canned food, and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of poor color, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On October 27, 1934, the Georgia Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product