

in the district court an information against the Chapin & Adams Co., a corporation, trading at Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 1, 1934, from the State of Massachusetts into the State of Connecticut, of a quantity of a product invoiced as "butter", which was adulterated and misbranded. The article was labeled in part: "Country Roll Creamery Butter."

The article was alleged to be adulterated in that oleomargarine had been substituted for butter, which the article purported to be.

Misbranding was alleged for the reason that the statement "Creamery Butter", borne on the label, was false and misleading, and in that it was so labeled as to deceive and mislead the purchaser, since it was not butter, but was oleomargarine. Misbranding was alleged for the further reason that the article was an imitation of another article, and was offered for sale under the distinctive name of said other article, namely, butter.

On October 15, 1934, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$100.

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

23354. Adulteration of evaporated apples. U. S. v. Loma Fruit Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 33794. Sample no. 69064-A.)

This case was based on an interstate shipment of evaporated apples, samples of which were found to be infested, moldy, decayed, and dirty.

On October 10, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Loma Fruit Co., Inc., Watsonville, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 17, 1933, from the State of California into the State of Oklahoma, of a quantity of evaporated apples which were adulterated. The article was labeled in part: "Clipper Brand Evaporated Apples Packed by Loma Fruit Company, Watsonville, California."

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

On October 19, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

23355. Adulteration of cauliflower. U. S. v. 5 Crates of Cauliflower. Default decree of condemnation and destruction. (F. & D. no. 34094. Sample no. 17926-B.)

An examination of the cauliflower involved in this case showed the presence of arsenic and lead in an amount that might have rendered it injurious to health.

On October 6, 1934, 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 five crates of cauliflower at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 5, 1934, by Alex Slivonik, from Hamilton Square, N. J., and charging adulteration in violation of the Food and Drugs Act.

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

On November 5, 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.*

23356. Adulteration of canned peaches. U. S. v. 621 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. & D. nos. 34100, 34101, 34102. Sample no. 4046-B.)

Examination of the canned peaches involved in this case showed the presence of wormy, worm-eaten, and rotten pieces.

On October 16, 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 621 cases of canned peaches at Baton Rouge, La., alleging that the article had been shipped in interstate commerce, on or about July 12, 1934, by Roberts Bros., Inc., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs

Act. The article was labeled in part: "Indian Hunter Brand Peaches * * * Distributed By Roberts Bros., Inc., * * * Baltimore, Md."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On November 26, 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.*

23357. Adulteration of canned shrimp. U. S. v. 16 Cases, et al., of Canned Shrimp. Default decree of destruction. (F. & D. nos. 33682, 34104, 34105, 34114, 34180, 34181, 34182. Sample nos. 6187-B, 14559-B, 14625-B, 14626-B, 17552-B, 22276-B to 22279-B, incl.)

These cases involved various shipments of canned shrimp that was found to be in part decomposed.

On October 13, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of canned shrimp at Augusta, Ga. On October 17, 22, and 29, 1934, libels were filed against 12 cases of the product at Brockton, Mass., 19 cases at New York, N. Y., 8 cases at Boston, Mass., and 52 cases at Augusta, Ga. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of July 23 and October 2, 1934, by the Nassau Packing Co. [one shipment in the name of the Nassau Sound Packing Co.] from Jacksonville, Fla., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "St. Johns Brand Fresh Shrimp * * * The Nassau Sound Packing Co., Nassauville, Fla." A portion was labeled: "Florida Chief Brand Nassau Shrimp * * * Packed by the Nassau Packing Co., S. S. Goffin, Jacksonville, Fla."

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

On November 10, November 26, 1934, and January 14, 1935, no claimant having appeared, judgments were entered ordering that the product be destroyed.

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

23358. Adulteration of apples. U. S. v. 9 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34118. Sample no. 19182-B.)

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

On September 27, 1934, 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 9 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about September 20, 1934, by Otto Sebert, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "R. I. Greening * * * Walter Koerber, R-2, Watervliet, Mich."

The article was alleged to be 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 15, 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.*

23359. Adulteration of apples. U. S. v. 37 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34119. Sample nos. 13421-B, 13422-B, 13423-B.)

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

On September 27, 1934, 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 37 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 19, 1934, by the Coloma Orchard Co., from Coloma, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Coloma Orchard Co., Coloma, Mich."