

23893. Adulteration of apple butter. U. S. v. 25 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 32518. Sample no. 64572-A.)

This case involved an interstate shipment of apple butter that contained lead in an amount that might have rendered it injurious to health.

On April 12, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of apple butter at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about March 9, 1934, by the Allison-Bedford Co., from Chicago Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Glencrest Fancy Apple Butter * * * Allison-Bedford Co. Chicago, Ill."

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

On December 17, 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.*

23894. Adulteration of canned sardines. U. S. v. 20 Cases of Sardines. Default decree of condemnation and destruction. (F. & D. no. 32593. Sample no. 12608-A.)

This case involved a shipment of canned sardines which were in part decomposed.

On April 25, 1934, 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 20 cases of canned sardines at Abilene, Tex., alleging that the article had been shipped in interstate commerce on or about October 25, 1933, by the California Packing Corporation, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Madison's Ideal Brand California Sardines * * * California Packing Corporation * * * San Francisco, California."

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

On November 9, 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.*

23895. Misbranding of canned mixed vegetables. U. S. v. 50 Cases of Canned Mixed Vegetables. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 32736. Sample no. 64340-A.)

This case involved a shipment of canned mixed vegetables which consisted essentially of a mixture of carrots and potatoes, the other vegetables prominently illustrated on the label being present in relatively small amounts, and in at least one instance entirely absent.

On May 22, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned mixed vegetables at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about April 14, 1934, by the Rockfield Canning Co., from Rockfield, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Little Elf Brand Mixed Vegetables * * * G. E. Bursley & Co. Distributors Fort Wayne, Ind."

The article was alleged to be misbranded in that the design on the label, of a vignette which included prominent pictorial representations of cabbage, corn, tomatoes, celery, onion, turnip, carrots, string beans, peas, green pepper and red pepper, was false and misleading and tended to deceive and mislead the purchaser, since approximately 77.3 percent of the product consisted of carrots and potatoes, and it contained no tomato and but very small amounts of celery, corn, red and green peppers, and onion.

On December 6, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution, since it was fit for human consumption.

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