

On January 23, 1935, the Cudahy Packing Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

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

**24326. Adulteration of apples. U. S. v. 80 Bushels of Apples. Consent decree of condemnation. Product released under bond for removal of deleterious substances.** (F. & D. no. 35182. Sample no. 29224-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On or about December 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 80 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 30, 1934, by the Lawrence Cooperative Co., from Lawrence, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A. J. Dowd Hartford, Mich. Wealthy."

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

On January 17, 1935, Rosenthal & Stockfish, Inc., Chicago, Ill., 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 be released under bond, conditioned that the deleterious substances be removed by washing.

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

**24327. Adulteration of canned shrimp. U. S. v. 60 Cases, et al., of Canned Shrimp. Decrees of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion.** (F. & D. nos. 33544 to 33550, incl., 33616, 33617, 33618, 33620, 33621. Sample nos. 14813-B, 14814-B.)

These cases involved various lots of canned shrimp which was found to be in part decomposed.

On September 27 and October 3, 1934, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 130 cases of canned shrimp at Sharon, Pa., and 24 cases of canned shrimp at New Castle, Pa. On September 27 and November 3, 1934, the United States attorney for the Northern District of Ohio filed libels against 284 cases of the product in various lots at Youngstown, Akron, and Struthers, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce on or about August 25, 1934, by the Dorgan-McPhillips Packing Corporation, from Biloxi, Miss., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Coral Brand Shrimp [or "Gulf Kist Fancy Medium Shrimp"] \* \* \* Packed by Dorgan McPhillips Packing Corp. Mobile, Ala."

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

On November 23 and December 19, 1934, the Dorgan-McPhillips Packing Corporation having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered by the court that the product be released under bond, conditioned that the unfit portion be segregated and destroyed.

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

**24328. Adulteration of butter. U. S. v. August F. Wehking (Graceville Creamery). Plea of guilty. Fine, \$15.** (F. & D. no. 32222. Sample nos. 22273-A, 39824-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat.

On January 3, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against August F. Wehking, trading as the Graceville Creamery, Graceville, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 1, 1933, from the State of

Minnesota into the State of Massachusetts of a quantity of butter which was adulterated.

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 must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On January 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$15.

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

**24329. Adulteration of sour cream. U. S. v. Shenandoah Valley Cooperative Milk Producers Association, Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 33782. Sample no. 58782-A.)**

This case was based on an interstate shipment of sour cream that was found to contain added gelatin.

On October 22, 1934, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shenandoah Valley Cooperative Milk Producers Association, Inc., Strasburg, Va., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 22, 1934, from the State of Virginia into the State of Pennsylvania of a quantity of sour cream which was adulterated.

The article was alleged to be adulterated in that an undeclared added substance, namely, gelatin, had been substituted in part for sour cream, which the article purported to be.

On March 18, 1935, a plea of guilty 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.*

**24330. Misbranding of bread. U. S. v. Continental Baking Co. Plea of guilty. Fine, \$26. (F. & D. no. 33791. Sample no. 61369-A.)**

This case was based on an interstate shipment of bread that was short weight.

On December 3, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Continental Baking Co., a corporation trading at Ogden, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 30, 1933, from the State of Utah into the State of Wyoming of a quantity of bread which was misbranded. The article was labeled in part: "It's Slo-Baked Wonder-Cut Bread Sliced 20 Ounces \* \* \* Continental Baking Company Incorporated Ogden, Utah."

The article was alleged to be misbranded in that the statement "20 Ounces", borne on the packages, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since nearly all of the packages examined contained less than 20 ounces of the said article. Misbranding was alleged for the further 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 since the statement made was incorrect.

On February 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$26.

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

**24331. Adulteration of apples. U. S. v. 450 Boxes of Apples. Decree of condemnation. Product released under bond. (F. & D. no. 33693. Sample no. 3836-B.)**

This case involved an interstate shipment of apples that contained fluorine in an amount which might have rendered them harmful to health.

On October 15, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 450 boxes of apples at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 18, 1934, by Frank W. Shields & Sons, from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Northwest Apples Tru T Form Brand Distributed by Frank W. Shields and Sons Yakima Jonathan \* \* \* Packed by Ralph P Robel."