

from Monterey, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, variously: "Portola Brand Filets of Sardines [or "Portola Brand Smoked Filets of Sardines", "Portola Brand Boneless Peeled Sardines", or "Hovden Filets of Sardines"] * * * Packed by Hovden Food Products Corp., Monterey, Calif."

The article was alleged to be adulterated in that sesame oil had been substituted in part for olive oil, which the label stated to be the packing medium.

Misbranding was alleged for the reason that the statements, "Filets of Sardines in Olive Oil", "Filets in Olive Oil", "Sardines in Olive Oil", and "Fancy Pack in Olive Oil", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to an article packed in a mixture of olive and sesame oils.

On December 20, 1935, the Hovden Food Products Corporation having appeared as claimant for the lot seized at Philadelphia, Pa., judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department. On January 20, 1936, no claimant appearing for the lot seized at St. Louis, Mo., judgment of condemnation was entered and it was ordered that the said lot be destroyed.

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

25512. Adulteration of apples. U. S. v. 40 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36816. Sample no. 34078-B.)

This case involved apples which were contaminated with arsenic and lead.

On November 9, 1935, 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 40 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 5, 1935, by Al's Fruit Market, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Adolph Baier 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 December 31, 1935, 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.*

25513. Adulteration of apples. U. S. v. 451 Bushels and 450 Bushels of Apples. Products adjudged adulterated. Released under bond, conditioned that deleterious substances be removed. (F. & D. nos. 36817, 36829. Sample nos. 39550-B, 49116-B.)

These cases involved apples which were contaminated with arsenic and lead.

On November 26, 1935, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 901 bushels of apples at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 12 and October 16, 1935, by the Killarney Fruit Ranch, Parker, Kans., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Killarney Fruit Ranch, Parker, Kansas."

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

On December 10, 1935, Earl Killarney, Parker, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of decrees, judgments were entered finding the product adulterated and ordering that it be released under bond, conditioned that it be washed to remove the deleterious substances.

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