

25702. Adulteration of tomato catsup. U. S. v. 35 Cases of Catsup. Default decree of condemnation and destruction. (F. & D. no. 36750. Sample no. 46351-B.)

This case involved tomato catsup that contained filth resulting from worm and insect infestation.

On December 10, 1935, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of catsup at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about September 7, 1935, by the California Conserving Co., from Hayward, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C S B California Home Brand Tomato Catsup Made by California Conserving Co."

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

On March 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25703. Adulteration of butter. U. S. v. 58 Boxes of Butter. Default decree of condemnation and destruction. (F. & D. no. 36766. Sample no. 43679-B.)

This case involved a shipment of butter that contained mold.

On October 9, 1935, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 boxes of butter at Concord, N. H., consigned about September 26, 1935, alleging that the article had been shipped in interstate commerce by Swift & Co., from Centerville, Iowa, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Premium Quality Brookfield Butter."

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

On November 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25704. Adulteration and misbranding of cheese. U. S. v. 16 Cheeses. Default decree of condemnation. Product delivered to charitable organization. (F. & D. no. 36785. Sample no. 50290-B.)

This case involved cheese that was deficient in fat and contained excessive moisture.

On December 12, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cheeses at New York, N. Y., consigned by Sunrise Dairy Products Co., Inc., from Fremont, Ohio, alleging that the article had been shipped in interstate commerce on or about October 15, 1935, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Full Cream Cheese."

The article was alleged to be adulterated in that a substance deficient in fat and containing excessive moisture had been substituted in whole or in part for cheese, which the article purported to be.

Misbranding was alleged for the reason that the designation "Cream Cheese" was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article, namely, cream cheese.

On January 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization.

W. R. GREGG, *Acting Secretary of Agriculture.*

25705. Adulteration and misbranding of strawberry preserve. U. S. v. 8 Cartons of Strawberry Preserve. Default decree of condemnation and destruction. (F. & D. no. 36806. Sample no. 44106-B.)

This case involved a shipment of alleged strawberry preserve which was deficient in fruit and contained added acid and pectin and excessive moisture.

On December 18, 1935, 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 eight cartons of

strawberry preserve at Boston, Mass., alleging that said article had been shipped in interstate commerce on or about August 9, 1935, by the White Gate Products Corporation, from New York City, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White Gate Pure Strawberry Preserves * * * White Gate Products Corp., N. Y."

The article was alleged to be adulterated in that a mixture of sugar, acid, water, and pectin had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality; in that a mixture of fruit, sugar, acid, pectin, and moisture, containing less fruit than a preserve should contain had been substituted for preserves; and in that said article had been mixed in a manner whereby inferiority had been concealed.

The article was alleged to be misbranded, in the case of food, in that the statement on the label, "Pure Strawberry Preserves", was false and misleading and tended to deceive and mislead the purchaser when applied to a product resembling a preserve, but which contained less fruit than a preserve should contain; and in that it was an imitation of and offered for sale under the distinctive name of another article.

On July 27, 1936, no claimant having appeared, a judgment of condemnation was entered and it was ordered that the article be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25706. Adulteration of apples. U. S. v. 528 Bushels of Apples, and other actions. Product released under bond conditioned that deleterious substances be removed. (F. & D. nos. 36825, 36826, 36827. Sample nos. 48944-B, 48945-B, 48946-B.)

These cases involved shipments of apples that were contaminated with lead and arsenic.

On November 22, 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 1,647 bushels of apples at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce between the dates of September 30, 1935, and October 12, 1935, by the Treat Orchard, from Atchison, Kans., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Treat Orchard Jonathan."

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

On December 18, 1935, Grace T. Berry and Robert Berry (Treat Orchard) of Atchison, Kans., claimants, having admitted the allegations of the libels, and having consented that judgment be entered for condemnation of the product, decrees were entered ordering that the apples be released under bond conditioned that they be washed in order to remove the deleterious substances.

W. R. GREGG, *Acting Secretary of Agriculture.*

25707. Adulteration of apples. U. S. v. 155 Bushels of Apples. Default decree of condemnation. Product ordered washed or peeled to remove deleterious substances, and delivered to a charitable institution. (F. & D. no. 36831. Sample no. 49215-B.)

This case involved an interstate shipment of apples, examination of which showed the presence of arsenic and lead which might have rendered them injurious to health.

On November 21, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 155 bushels of apples at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 1, 1935, by the Burr Fruit Co., from Leavenworth, Kans., and that it was adulterated in violation of the Food and Drugs Act. The article, contained in baskets, was labeled: "Grimes Golden Grown & Packed by Burr Fruit Farm Leavenworth Kans."

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 January 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the apples be washed or peeled to remove the deleterious substances, and delivered to some charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*