

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.*