

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of immature peas, as shown by the excessive number of ruptured peas, and its package or label did not bear a plain and conspicuous statement as prescribed by regulation of this Department indicating that it fell below such standard.

On July 9, 1935, the G. L. Webster Co., Inc., having appeared as claimant for the property 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 condition that it be relabeled.

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

25870. Adulteration of apple butter. U. S. v. 141 Jars of Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 35699. Sample no. 31935-B.)

This case involved a shipment of apple butter samples of which were found to contain lead and arsenic trioxide, insect debris, rodent hair, human hair, and fragments of feathers.

On June 28, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 jars of apple butter at Detroit, Mich., shipped on or about April 1, 1935, alleging that the article had been shipped in interstate commerce by the D. B. Scully Syrup Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Scully's Pure Apple Butter, Net Weight One Pound Twelve Ounces."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic trioxide, that might have been injurious to health; and in that it consisted wholly or in part of a filthy vegetable substance.

On August 8, 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.*

25871. Adulteration of tomato catsup. U. S. v. 674 Cases of Catsup, and other actions. Decrees of condemnation and destruction. (F. & D. nos. 35748, 35788, 36103, 36612, 36655, 36656. Sample nos. 26820-B, 37941-B, 37942-B, 40616-B, 40625-B, 40838-B.)

These cases involved tomato catsup samples of which were found to contain filth resulting from worm and insect infestation.

On July 22, July 24, August 20, November 13, and November 21, 1935, the United States attorneys for the District of Oregon and the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 956 cases of catsup at Portland, Oreg., and 701 cases of catsup at Seattle, Wash., alleging that the article had been shipped in interstate commerce from San Francisco, Calif., in part on or about January 15, 1935, by the Western States Grocery Co., and in part on or about May 20, May 28, and June 1, 1935, by the California Supply Co., and charging adulteration in violation of the Food and Drugs Act. Portions of the article were labeled: "Highway Brand Tomato Catsup * * * Packed for Western States Grocery Co., Inc." The remainder was labeled: "Our Choice Brand Tomato Catsup * * * Western States Grocery Company Distributors."

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

On November 16, 1935, January 22, and March 10, 1936, default decrees of condemnation were entered in the cases instituted in the District of Oregon and it was ordered that the product be destroyed. On June 8, 1936, the California Supply Co., claimant in the cases instituted in the Western District of Washington, having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed and that costs be taxed against claimant.

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