

a libel praying seizure and condemnation of 58 bushels of apples at Great Bend, Kans., alleging that the article had been shipped in interstate commerce on or about September 5, 1935, by W. E. Simon, from Pea Ridge, Ark., and charging adulteration in violation of the Food and Drugs Act.

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

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26185. Adulteration of apples. U. S. v. 120 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. no. 36499. Sample no. 39103-B.)

This case involved apples that contained added poisonous ingredients, arsenic and lead.

On or about September 11, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bushels of Golden Delicious apples at Liberal, Kans., consigned by H. L. Wright, alleging that the article had been shipped in interstate commerce on or about September 2, 1935, from Farmington, Ark., and charging adulteration in violation of the Food and Drugs Act.

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

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26186. Adulteration of apples. U. S. v. 95 Bushels of Jonathan Apples. Decree of condemnation. Product released under bond to be washed.** (F. & D. no. 36518. Sample no. 32570-B.)

This case involved apples that contained added poisonous ingredients, arsenic and lead.

On or about September 12, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 bushels of Jonathan apples at Dodge City, Kans., alleging that the article had been shipped in interstate commerce on or about September 5, 1935, by Sam De Luca from Rodgers, Ark., and charging adulteration in violation of the Food and Drugs Act.

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

On April 22, 1936, the Grovier Starr Product Co., Dodge City, Kans., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be washed in order to remove the deleterious ingredients.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26187. Misbranding of wine. U. S. v. 9 Cases of Muscatel Wine, et al. Default decree of condemnation and destruction.** (F. & D. no. 36702. Sample nos. 51138-B, 51139-B, 51140-B.)

This case involved products that were represented to be muscatel, sherry, and port wines produced in California. Investigation showed that they were wines produced in New York. Analysis showed that they contained less alcohol than muscatel, sherry, and port wines should contain. The sherry and port failed to bear a proper declaration of the quantity of the contents.

On December 5, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of wines at Richmond, Va., alleging that the articles had been shipped in interstate commerce on or about November 15, 1935, by the National Wholesale Liquor Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were variously labeled in part: "Gold Label California Muscatel [or "Valley Brand California Sherry" or "Valley Brand California Port"] Wine Bottled by National Wholesale Liquor Co., Baltimore, Md." The sherry and port were further labeled: "Contents 22 Oz."

The articles were alleged to be misbranded in that the word "California" in the names was false and misleading and tended to deceive and mislead the purchaser when applied to products of the State of New York; and in that the names "Muscatel", "Sherry", or "Port" were false and misleading and tended to deceive and mislead the purchaser when applied to wines containing less than 14 percent of alcohol by volume. The sherry and port wines were alleged to be further misbranded in that they were foods in package form and failed to bear a plain and conspicuous statement of the quantity of contents on the outside of the package, since the statement "22 Oz." was ambiguous.

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

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26188. Misbranding of canned peas. U. S. v. 69 Cases of Canned Peas. Decree of condemnation and destruction. (F. & D. no. 36850. Sample no. 52034-B.)**

This case involved an interstate shipment of canned peas that fell below the standard established by the Department of Agriculture because of the presence of an excessive number of mature peas, and that were not labeled to indicate that they were substandard.

On January 6, 1936, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 cases of canned peas at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce on or about July 24, 1935, by D. E. Foote & Co., from Baltimore, Md., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Foote's Best Brand Early June Peas Contents 1 Lb. 4 Ozs. \* \* \* Packed by D. E. Foote & Co., Incorporated Baltimore, Md."

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, by reason of the presence of an excessive number of mature peas in each can, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On May 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26189. Misbranding of canned tomatoes. U. S. v. 998 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 36901. Sample no. 41331-B.)**

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture because the tomatoes were not normally colored, and that were not labeled to indicate that they were substandard.

On December 30, 1935, 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 998 cases of canned tomatoes at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 12, 1935, by F. M. Hart & Co., Inc., from Seymour, Mo., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled: "Hartco Brand Hand Picked Tomatoes, Contents 1 Lb. 3 Oz. Packed by F. M. Hart & Co., Inc., Seymour, Mo."

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 for such canned food, because the tomatoes were not normally colored, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On May 4, 1936, F. M. Hart & Co., Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and the product was released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*