

26619. Adulteration of herring and mackerel. U. S. v. 70 Barrels of Herring and 70 Barrels of Mackerel. Default decree of condemnation and destruction. (F. & D. no. 38406. Sample nos. 16453-C, 16454-C.)

This case involved herring and mackerel that were in part decomposed.

On or about October 9, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 barrels of herring and 70 barrels of mackerel at Baltimore, Md., alleging that the articles had been shipped in foreign commerce on or about July 24, 1936, by Neville Sons, Ltd., Halifax, Nova Scotia, and shipped in interstate commerce from St. Albans, Vt., on or about July 27, 1936, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Neville Sons Ltd. Canada Herring [or "Mackerel"] * * * Halifax, N. S. Product of Canada."

The articles were alleged to be adulterated in that they consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 11, 1936, 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.*

26620. Adulteration of apples. U. S. v. 175 Crates of Apples. Consent decree of condemnation. Product released subject to compliance with the law. (F. & D. no. 38411. Sample no. 15030-C.)

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

On September 29, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by an official of the Kentucky State Board of Health, filed in the district court a libel praying seizure and condemnation of 175 crates of apples at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about September 26, 1936, via truck of Walt Franklin, of Anderson, Ind., from Watervliet, Mich., and charging adulteration in violation of the Food and Drugs Act.

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 October 1, 1936, Walt Franklin having appeared as claimant, consent decree of condemnation was entered and it was ordered that the product be released subject to reconditioning and payment of all costs assessed.

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

26621. Adulteration of apples. U. S. v. 65 Bushels of Apples. Consent decree of condemnation. Apples cleansed and delivered to charitable institution. (F. & D. no. 38412. Sample no. 15033-C.)

This case involved an interstate shipment of apples that were contaminated with lead and arsenic.

On or about September 30, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by an official of the Kentucky State Board of Health, filed in the district court a libel praying seizure and condemnation of 65 bushels of apples at Louisville, Ky., trucked by Charles E. Kimbel of Louisville, Ky., alleging that the article had been transported in interstate commerce on or about September 27, 1936, from Fennville, Mich., and charging adulteration in violation of the Food and Drugs Act.

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

On October 1, 1936, Charles E. Kimbel, Louisville, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the apples be delivered to a charitable institution after having been washed to remove the deleterious substances.

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

26622. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. & D. no. 38413. Sample nos. 17022-C, 17241-C.)

This case involved butter that was deficient in milk fat.

On October 6, 1936, 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 seven tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate

commerce on or about September 21, 1936, by the Mott Cooperative Creamery Association, from Mott, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 13, 1936, the Mott Cooperative Creamery Co., claimant, having admitted the allegations of the libel, consent decree of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

26623. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction. (F. & D. no. 38573. Sample no. 23420-C.)

This case involved butter that contained maggots, small insects, human and cow hairs, mold, and nondescript dirt.

On November 11, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 2, 1936, by N. J. Park from Paintsville, Ky., and charging adulteration in violation of the Food and Drugs Act.

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

On December 15, 1936, 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.*

26624. Adulteration of canned salmon. U. S. v. Guy & Scott and Mrs. Guy A. Scott (Scotty Packing Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. no. 37000. Sample nos. 37949-B, 37958-B, 37967-B, 37971-B, 37972-B, 37986-B, 38062-B, 38093-B, 40527-B.)

This case involved canned salmon that was in part decomposed.

On May 11, 1936, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Guy A. Scott and Mrs. Guy A. Scott, trading as Scotty Packing Co., alleging that on or about June 26, June 27, July 1, and August 3, 1935, the defendants shipped from Cordova, Alaska, into the State of Washington quantities of canned salmon which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of decomposed and putrid animal substance.

On October 14, 1936, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$25 and costs.

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

26625. Adulteration and misbranding of canned tomatoes and canned tomato puree. U. S. v. 130 Cases of Canned Tomatoes, et al. Default decree of condemnation. Tomatoes ordered delivered to charitable institution. (F. & D. no. 36456. Sample nos. 28432-B, 28433-B, 28435-B, 28436-B.)

This case involved canned tomatoes and canned tomato puree, the tomatoes being substandard and not labeled to indicate that fact, and the tomato puree containing excessive mold and being short in weight.

On October 8, 1935, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 145 cases of canned tomatoes and 31 cases of canned tomato puree at Lake Charles, La., alleging that the articles had been transported in interstate commerce on or about August 31 and September 14, 1935, via truck of Gordon, Sewall & Co., of Lake Charles, La., from Beaumont, Tex., and charging adulteration and misbranding of the tomato puree and misbranding of the canned tomatoes in violation of the Food and Drugs Act as amended. The tomato puree consisted of two brands labeled respectively: "Rio Grande Valley Brand Tomato Puree * * * Net Contents 5 Oz. Packed for Rio Grande Valley Cannery Sales Co., Harlington, Texas"; "Valley Red Puree di Pomodoro Contents 4- $\frac{3}{4}$ Ozs. Avoir * * *