

and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Cadet Brand Tomato Puree, J. C. Perry & Co., Inc., Distributors Indianapolis, Ind."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance since it contained mold.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**27945. Adulteration and misbranding of fruit sirups. U. S. v. 21 Gallon Jugs of Harrison's Heart O'Lemon, et al. Default decree of condemnation and destruction. (F. & D. No. 40183. Sample No. 42501-C.)**

These products all contained undeclared artificial color and the cherry and grape types contained little or no fruit juices.

On August 27, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended October 30, 1937) praying seizure and condemnation of 51 gallon jugs of fruit sirups at Indianapolis, Ind., alleging that the articles had been shipped in interstate commerce on or about August 11, 1937, by the Harrison Orange Co. from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Harrison's Heart O'Lemon [or "Cherry" or "Grape"] from fresh fruit \* \* \* Made from Pure Lemon [or "Cherry" or "Grape"] Juice Contains All the Natural Fruit Properties Harrison Orange Corporation \* \* \* Chicago, Ill."

All products were alleged to be adulterated in that they had been mixed and colored in a manner whereby inferiority was concealed.

The cherry and grape types were alleged to be adulterated further in that substances containing little or no fruit juice had been substituted for pure cherry and pure grape juice, which they purported to be.

The articles were alleged to be misbranded in that the statements on the labels relating to the fruit content were false and misleading and tended to deceive and mislead the purchaser when applied to the cherry and grape sirups which contained little or no fruit juices and to the lemon, cherry, and grape sirups which contained undeclared artificial color; they were alleged to be misbranded further in that the cherry and grape sirups were imitations of the genuine products, and all were offered for sale under the distinctive names of the genuine products.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

**27946. Adulteration of apples. U. S. v. 160 Bushels of Jonathan Apples. Decree of condemnation and destruction. (F. & D. No. 40351. Sample No. 62355-C.)**

This product was contaminated with arsenic and lead.

On or about September 13, 1937, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 bushels of apples at Muskogee, Okla., alleging that the article had been shipped in interstate commerce on or about September 7, 1937, by Dennis J. Scott from Springdale, 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 or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**27947. Adulteration of crab apples. U. S. v. 96 Boxes of Hyslop Crab Apples. Decree of condemnation. Product released under bond to be cleansed. (F. & D. No. 43052. Sample No. 41330-C.)**

These apples were contaminated with arsenic and lead.

On or about September 14, 1937, 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 96

boxes of crab apples at Kansas City, Mo., alleging that the article had been shipped on or about September 1, 1937, by Associated Growers of British Columbia, Ltd., from Kelowna, B. C., Canada, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed and Shipped by Kelowna Growers Exchange."

The apples were alleged to be adulterated in that they contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered them injurious to health.

On September 16, 1937, the Wm. F. Helm Produce Co., Kansas City, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be cleansed in order to remove the deleterious substances.

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

**27948. Adulteration of apples. U. S. v. 666 Bushel Baskets and 96 Boxes of Apples. Consent decree of condemnation. Product released under bond.** (F. & D. No. 40375. Sample Nos. 43984-C to 43995-C, incl., 43998-C.)

This product was contaminated with lead.

On September 14, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 666 bushel baskets and 96 boxes of apples at Birmingham, Ala., alleging that the article had been shipped in interstate commerce in various shipments between the dates of August 23 and September 10, 1937, by the Treat Orchard Co. from Esom Hill, Ga., and charging adulteration in violation of the Food and Drugs Act.

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

On September 15, 1937, the Treat Orchard Co., Esom Hill, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned. The deleterious substance was removed by washing under the supervision of this Department.

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

**27949. Adulteration of apples. U. S. v. 260 Bushels of Jonathan Apples. Consent decree of condemnation. Product released under bond to be rewashed.** (F. & D. No. 40408. Sample Nos. 4768-C, 4771-C.)

This product was contaminated with arsenic and lead.

On September 18, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 260 bushels of apples at Omaha, Nebr., alleging that the article had been transported in interstate commerce on or about September 15 and 16, 1937, from the orchard of C. E. Hitz, Fortescue, Mo., by Louis Green, of Omaha, Nebr., 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, arsenic and lead, which might have rendered it harmful to health.

On September 23, 1937, Louis Green, claimant, having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the deleterious substances be removed by washing.

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

**27950. Adulteration of apples. U. S. v. 355 Baskets of Apples. Consent decree entered providing for release of product under bond to be reconditioned.** (F. & D. No. 40455. Sample No. 41156-C.)

This product was contaminated with lead and arsenic.

On September 27, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 355 baskets of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 23, 1937, by J. F. Cottam from Veyo, Utah, and charging adulteration in violation of the Food and Drugs Act.