

28068. Adulteration of apples. U. S. v. 64 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 40271. Sample No. 36078-C.)

This product was contaminated with arsenate of lead.

On August 30, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 boxes of apples at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 25, 1937, by the Apple Growers Association from Hood River, Oreg., 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 ingredient, arsenate of lead, which might have rendered it injurious to health.

On October 1, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

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

28069. Adulteration and misbranding of butter. U. S. v. 15 Cartons of Butter. Default decree of condemnation. Product delivered to charitable organizations. (F. & D. No. 40275. Sample No. 46724-C.)

This product contained less than 80 percent of milk fat.

On August 31, 1937, the United States attorney for the Western 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 15 cartons of butter at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about August 23, 1937, by Producers Creamery from Marion, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Packed Expressly for The Red and White Stores, Buffalo, N. Y. * * * Cool Spring Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On October 28, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to various charitable organizations.

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

28070. Adulteration and misbranding of flour. U. S. v. 191 Sacks and 82 Sacks of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 40166, 40250. Sample Nos. 13963-C, 13970-C.)

This product was adulterated because of weevil infestation and was misbranded because the statements "Bleached" and "Phosphate Added" were inconspicuously printed in pale yellow type on white or unbleached cotton sacks.

On September 2 and 4, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 273 sacks of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 17 and 19, 1937, by Ballard & Ballard Co., Inc., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion was labeled: (Sacks) "Bleached Southern Favorite Pure Flour Phosphate Added New South Flour Co. Louisville, Ky." The remainder was labeled: "Bleached * * * Dorothy Perkins Flour Phosphate Added Ballard & Ballard Co. Incorporated Louisville, Ky."

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

It was alleged to be misbranded in that the statements "Bleached" and "Phosphate Added" were false and misleading and tended to deceive and mislead the purchaser since they were inconspicuously placed.

On October 15, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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