

It 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 December 16, 1937, Nathan Tobias, proprietor of the Indiana Harbor Open Air Market, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered. The court, however, ordered that in lieu of destruction, the claimant might remove the deleterious ingredients and obtain release of the apples after examination by and approval of this Department.

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

28390. Adulteration of apples. U. S. v. 66 Bushels of Apples. Consent decree of condemnation, with provision for release on condition that deleterious ingredients be removed. (F. & D. No. 40941. Sample No. 59369-C.)

This product was contaminated with arsenic and lead.

On October 23, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 bushels of apples at Lafayette, Ind., alleging that the article had been shipped in interstate commerce on or about October 17, 1937, from Benton Harbor, Mich., by Starck & Mars to themselves at Lafayette, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Grown and Packed by E. Koroch Benton Harbor, Mich."

It 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 December 16, 1937, Starck & Mars, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered. The court, however, ordered that in lieu of destruction, the claimant might remove the deleterious ingredients and obtain release of the apples after examination by and approval of this Department.

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

28391. Adulteration of apples. U. S. v. 25 Bushels of Apples. Decree of condemnation, with provision for release on condition that deleterious ingredients be removed. (F. & D. No. 40879. Sample No. 59478-C.)

This product was contaminated with arsenic and lead.

On October 8, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bushels of apples at Hobart, Ind., alleging that the article had been shipped in interstate commerce on or about September 29, 1937, from Benton Harbor, Mich., by Mike Hovanecz to himself at Hobart, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "F. C. Holder R. 1 Benton Harbor, Mich."

It 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 November 13, 1937, Mike Hovanecz, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered. The court, however, ordered that in lieu of destruction, the claimant might remove the deleterious ingredients and obtain release of the apples after examination by and approval of this Department.

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

28392. Misbranding of canned peas. U. S. v. 500 Cases of Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40056. Sample No. 20953-C.)

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On August 11, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 cases of canned peas at Fall River, Mass., alleging that the article had been shipped in interstate commerce on or about July 16, 1937, by A. W. Sisk & Son from Federalsburg, Md., and charging misbranding in violation of the Food and Drugs Act. The article