

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

was labeled in part: (Can) "Wright's Early June Peas Packed by John N. Wright, Jr., Federalsburg, Md."

It 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, since the peas were not immature and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 18, 1937, Albert W. Sisk & Son, Preston, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled.

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

28393. Adulteration of apples. U. S. v. 131 Bushels and 308 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. Nos. 41797, 41798. Sample Nos. 1638-D, 10481-D to 10484-D, incl.)

This product was contaminated with lead.

On February 11, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 439 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 8, 9, and 10, 1938, by James Bill from Glassboro, N. J., 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, lead, which might have rendered it harmful to health.

On February 28, 1938, no claimant having appeared, the product was condemned and ordered destroyed.

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

28394. Adulteration of apples and pears. U. S. v. 75 Bushels of Pears and 27 Bushels of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40884, 40936. Sample Nos. 49775-C, 49892-C.)

These products were contaminated with arsenic and lead.

On August 27 and October 6, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 75 bushels of pears and 27 bushels of apples at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about August 17 and September 26, 1937, by Bangor Fruit Growers Exchange from Bangor, Mich., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Bangor Fruit Growers Exchange Bangor Michigan."

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

On October 15 and November 5, 1937, no claimant having appeared, the products were condemned and ordered destroyed.

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

28395. Adulteration of apples. U. S. v. 44 Bushels of Apples. Decree of condemnation. Product released under bond to be washed. (F. & D. No. 41149. Sample No. 67822-C.)

This product was contaminated with arsenic and lead.

On or about November 24, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 bushels of apples at Champaign, Ill., alleging that the article had been shipped in interstate commerce on or about November 18, 1937, from Bangor, Mich., by Charles Cross to himself at Champaign, Ill., 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, in harmful quantities.

On December 15, 1937, Charles Cross, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be washed and cleansed to remove all harmful ingredients.

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