

article was labeled in part: "Detrigo Duro Harina Amasadora [or "Harina Triangulo"] Newton Milling & Elevator Co., Newton, Kans."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance. Adulteration was alleged further in that bleached flour had been substituted wholly or in part for the article.

Misbranding was alleged in that the statement "Harina"—the English translation of which is "Flour"—was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour.

On September 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29545. Adulteration of apple butter. U. S. v. 78 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. No. 42934. Sample No. 25921-D.)

This product was contaminated with lead.

On June 16, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 cases of apple butter at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about May 5, 1938, by Holsum Products from Cleveland, Ohio; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Glenside * * * Apple Butter Wilkinson, Gaddis & Co., Distributors Newark, N. J."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On October 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29546. Misbranding of canned apricots and canned peaches. U. S. v. 29 Cases of Canned Apricots and 30 Cases of Canned Peaches. Default decrees of condemnation. Products ordered destroyed or delivered to charitable institutions. (F. & D. Nos. 42890, 42891. Sample Nos. 23478-D, 23479-D.)

These products fell below the standard established by this Department, both being water-packed, the apricots being soft and mushy and the peaches being excessively trimmed; and they were not labeled to indicate that they were substandard. The peaches were short weight.

On June 6, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 29 cases of canned apricots and 30 cases of canned peaches at Portland, Oreg.; alleging that the articles had been shipped in interstate commerce on or about October 2, 1937, by Stockton Food Products Co., Inc., from Stockton, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Real-Ripe Brand Solid Pack Pie Apricots [or "Yellow Cling Peaches"] Net Contents 6 lbs. 10 Oz."

The canned apricots were alleged to be misbranded in that they were canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit was soft and mushy and was water-packed.

The canned peaches were alleged to be misbranded in that they were canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since they contained excessive trimming and were water-packed, and the package and label did not bear a plain and conspicuous statement showing that they were substandard. They were alleged to be misbranded further in that the statement "Net Contents 6 Lbs. 10 Oz." was false and misleading and tended to deceive and mislead the purchaser since the product was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed or delivered to charitable institutions.

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