

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, namely, arsenic and lead, which might have rendered it harmful to health.

On September 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29625. Misbranding and alleged adulteration of butter. U. S. v. 30 $\frac{7}{16}$  Cartons of Butter. Default decree of condemnation. Product distributed to public or charitable institutions. (F. & D. No. 43511. Sample Nos. 35565-D, 35566-D.)**

This product contained less than 80 percent by weight of milk fat.

On or about August 17, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 $\frac{7}{16}$  cartons of butter at Providence, R. I., consigned on or about July 12, 1938; alleging that the article had been shipped in interstate commerce by Bridgeman-Russell Co. from Duluth, Minn.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress of March 4, 1923, providing that butter shall contain not less than 80 percent by weight of milk fat.

Misbranding was alleged in that the article was an imitation of and was offered for sale under the distinctive name of another article "butter."

On September 28, 1938, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned, and it was ordered further that the product be distributed to public or charitable institutions.

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

**29626. Adulteration of pine nuts. U. S. v. 10 Boxes of Indian Nuts (Pine Nuts) (and two similar seizure actions). (F. & D. Nos. 43442, 43656, 43764. Sample Nos. 35550-D, 35560-D, 35572-D.)**

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to contain clay, stones, sticks, and animal excreta. In addition, one lot was found to be short weight.

On August 23 and September 8 and 12, 1938, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 71 boxes of pine nuts at Providence, R. I.; alleging that the article had been shipped on or about July 28 and August 22, 1938, by Leo Agress, Inc., from New York, N. Y.; and charging that it was adulterated and that a portion was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Indian Brand \* \* \* Indian Nuts."

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

A portion of the article was alleged to be misbranded in that the statement on the label, "Net weight 5 lbs.," was false and misleading and tended to mislead the purchaser when applied to an article that was short weight. Misbranding of the said portion was alleged further 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, since the statement made was not correct.

On September 19 and October 5, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**29627. Adulteration of raisins. U. S. v. 25 Cases of Raisins. Default decree of condemnation and destruction. (F. & D. No. 43482. Sample No. 9184-D.)**

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 25, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of raisins at Houston, Tex.; alleging that the article had been shipped on or about October

9, 1937, by Rosenberg Bros. & Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Iris Brand Thompson Seedless Raisins."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On October 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29628. Adulteration of apples. U. S. v. 7 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43816. Sample No. 32761-D.)**

This product was contaminated with arsenic and lead.

On August 22, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 bushels of apples at Chicago, Ill.; alleging that the article had been shipped on or about August 18, 1938, from Benton Harbor, Mich., by Pepper Bros. to themselves at Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "L. J. Grieser \* \* \* Benton Harbor, Mich."

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 October 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29629. Adulteration of dried fruit compote. U. S. v. 50 Crates of Dried Fruit Compote. Default decree of condemnation and destruction. (F. & D. No. 43864. Sample No. 36290-D.)**

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was found at the time of examination to consist in part of insect-infested and moldy pears.

On September 14, 1938, 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 50 crates of dried fruit compote at Boston, Mass.; alleging that the article had been shipped on or about August 4, 1938, by Rosenberg Bros. & Co. from Oakland, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Iris Brand California Choice Fruit Compote."

Adulteration was alleged in that the article consisted in whole or in part of a filthy and decomposed vegetable substance.

On October 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29630. Adulteration and misbranding of V5 The Vitamin Food Drink. U. S. v. 144 Cans of V5 The Vitamin Food Drink. Default decree of condemnation and destruction. (F. & D. No. 44082. Sample No. 27933-D.)**

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to contain approximately one-half the amounts of vitamins A and D declared on the label, approximately one-fourth the amount of peptonized iron, and less than one-half the amount of calcium declared.

On October 6, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 144 cans of V5 The Vitamin Food Drink at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about August 17, 1938, by V5, Inc., from Sandusky, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that a substance containing less than 37,656 International Units of vitamin A, less than 47,500 International Units of vitamin D, less than 88 grains of peptonized iron, and less than 280 grains of calcium (tribasic) to a 10-ounce can had been mixed with it so as to reduce, lower, and injuriously affect its quality and strength; and had been substituted wholly or in part for an article represented to contain the said amounts of said ingredients.

Misbranding was alleged in that the statements appearing upon the label, "A biological test shows that every 10-ounce can of V5 contains approximately: