

in the district court libels praying seizure and condemnation of 136 bushels of apples at Wichita Falls, Tex.; alleging that the article had been shipped from the State of Arkansas on or about September 6, 1938, by George Fudge [from Rogers, Ark.]; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 15, 1938, the shipper having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

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

29649. Adulteration and misbranding of canned pimientos. U. S. v. 150 Cases, 24 Cases, and 25 Cases of Canned Pimientos. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 43893, 43894, 43895. Sample Nos. 20201-D, 20202-D, 20203-D.)

All lots of this product were found to be falsely labeled with regard to the name of the packer and the place of manufacture. One lot was in part decomposed.

On September 14, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of canned pimientos at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about August 24, 1938, from Wayside, Ga., by the Georgia Canning Co., Inc.; and charging adulteration with respect to a portion, and misbranding with respect to all lots, in violation of the Food and Drugs Act. The article was labeled in part: "Mariposa [or "Masterpiece"] Brand."

Adulteration was alleged with respect to one lot of the Masterpiece brand in that the article consisted wholly or in part of a decomposed vegetable substance.

All lots were alleged to be misbranded in that the statements on the labels, "California Pimientos * * * Packed by California Sanitary Company, Ltd. Los Angeles California," were false and misleading and tended to deceive and mislead the purchaser since the product was not packed by that firm.

On October 15, 1938, the California Sanitary Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled or reconditioned, and should not be sold or otherwise disposed of in violation of the law.

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

29650. Adulteration and misbranding of horseradish. U. S. v. 13 Cases of Horseradish (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43139, 43288, 43471. Sample Nos. 14628-D, 25980-D, 25981-D, 35461-D, 35462-D.)

This product contained a considerable amount of a plant tissue resembling turnips or parsnips. Certain lots bore no statement of the quantity of the contents.

On July 28, and August 13 and 25, 1938, the United States attorney for the District of Massachusetts and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 13 cases, 48 gallon jugs, and 12 dozen jars of horseradish at Boston, Mass., and 5 gallon jugs and 35 quart jars of horseradish at Asbury Park, N. J.; alleging that the article had been shipped in interstate commerce within the period from on or about June 30, 1938, to on or about July 28, 1938, by the Monmouth Packing Co., Inc., from Long Island City, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Colonial Brand, Colonial Packing Co., Inc., Brooklyn, N. Y.;" "Colonial Brand * * * Monmouth Packing Co., Inc., Long Island City, N. Y.;" "Muri Brand * * * New England Importation Co. Boston Mass., Distributors."

Adulteration was alleged in that turnips in some instances, and parsnips in others, had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength; and had been substituted wholly or in part with the article. Adulteration was alleged further in that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Horse Radish," on the label, was false and misleading, and tended to deceive and mislead the purchaser when applied to an article consisting in some instances of horseradish and turnips,

and in others of horseradish and parsnips. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the distinctive name of another article. Certain lots of the article were alleged to be misbranded 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.

On October 4 and October 31, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29651. Misbranding of Marshak's Mixit. U. S. v. 46¾ Dozen Jars of Marshak's Mixit. Default decree of condemnation and destruction. (F. & D. No. 43879. Sample No. 26422-D.)

This product was labeled to indicate that it contained an appreciable amount of malted milk; whereas it was found to consist of a chocolate-flavored sugar and dextrose sirup, containing a very small amount of, if any, malted milk. The quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about September 15, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46¾ dozen jars of Marshak's Mixit at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about August 10, 1938, by Marshak Malt-molak Co., Inc., from Brooklyn, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Marshak's Mixit * * * 19 oz. Net Avdp. Marshak Co., Brooklyn, N. Y."

Misbranding was alleged in that the statement on the label, "Contains Sugar, Cocoa and Malted Milk Chocolate Malted Milk," was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of sugar, dextrose, cocoa, and water, containing little or no malted milk. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package and was not in terms of the largest unit.

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29652. Adulteration of cauliflower. U. S. v. 497 Crates of Cauliflower. Default decree of condemnation and destruction. (F. & D. No. 44205. Sample No. 26587-D.)

This product was contaminated with arsenic.

On October 6, 1938, the United States attorney for the Southern 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 497 crates of cauliflower at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about September 25, 1938, by C. Taketa from Fir, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Portland Rose Brand Cauliflower."

The article was alleged to be adulterated in that it contained an added poisonous ingredient, arsenic, which might have rendered it injurious to health.

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29653. Adulteration of tullibeas. U. S. v. 11 Boxes of Tullibeas. Default decree of condemnation and destruction. (F. & D. No. 44209. Sample No. 13051-D.)

This product was infested with parasitic worms.

On October 10, 1938, the United States attorney for the Southern 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 11 boxes of tullibeas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 4, 1938, by Booth Fisheries Corporation from Warroad, Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lake of the Woods Tullibeas."

It was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.