

29837. Adulteration of pears. U. S. v. 65 Boxes of Pears. Default decree of condemnation and destruction. (F. & D. No. 44154. Sample No. 21284-D.)

This product was contaminated with arsenic and lead.

On September 23, 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 65 boxes of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 15, 1938, by Reter Fruit Co. from Medford, Oreg.; and charging adulteration in violation of the Food and Drugs Act.

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

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

29838. Adulteration and misbranding of graham crackers. U. S. v. 310 Cartons of "Burry's Crisp Brown Milk and Honey Grahams." Consent decree of condemnation and destruction. (F. & D. No. 43972. Sample No. 21810-D.)

This product was sold as milk and honey graham crackers but contained little or no milk and very little honey in comparison with the amount of sugar that was used as the principal sweetening agent.

On September 27, 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 310 cartons of graham crackers at Chicago, Ill.; alleging that the article has been shipped in interstate commerce on or about July 13, 1938, by Burry Biscuit Corporation from Waverly, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing little or no milk, and very little honey in comparison with sugar (sucrose) the principal sweetening agent, had been substituted wholly or in part for the article.

The article was alleged to be misbranded in that the statement "Milk and Honey Grahams" was false and misleading and tended to deceive and mislead the purchaser.

On November 1, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

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

29839. Adulteration of apples. U. S. v. 10 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44605. Sample No. 32194-D.)

This product was contaminated with arsenic and lead.

On September 27, 1938, 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 10 bushels of apples at Highland, Ind.; alleging that the article had been shipped in interstate commerce on or about September 21, 1938, from Benton Harbor, Mich., by William Hamilton to himself at Highland, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "L. C. Harris 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 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29840. Misbranding of canned pears. U. S. v. 257 Cases of Canned Pears. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43806. Sample No. 19484-D.)

This product was substandard because the fruit was not in unbroken halves, and it was not labeled to indicate that it was substandard.

On September 10, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 257 cases of canned pears at Minneapolis, Minn.; alleging that they had been shipped in interstate commerce on or about February 5, 1938, by the C. S. Kale Canning Co. from Everson, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nooksac Compote * * * Bartlett Pears."

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 fruit was not in unbroken halves, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 17, 1938, the Northwest Grocers, St. Paul, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be re-labeled under the supervision of this Department.

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

29841. Misbranding of canned peaches. U. S. v. 13 Cases of Canned Peaches. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 42944. Sample No. 28624-D.)

This product fell below the standard established by this Department, and it was not labeled to indicate that it was substandard.

On June 18, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of canned peaches at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about August 20, 1937, from Portland, Oreg., for the Gresham Berry Growers, Inc., of Gresham, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Oregon Freestone Peaches Packed By Gresham Berry Growers, Inc."

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 because it was packed in water, the units were not of uniform sizes, the fruit was not in unbroken halves, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 5, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be removed and the product delivered to a charitable institution.

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

29842. Adulteration and misbranding of bread. U. S. v. O. P. Skaggs Co. Plea of guilty. Fine, \$34. (F. & D. No. 42607. Sample Nos. 11622-D, 11627-D, 11628-D, 11651-D.)

This case involved three shipments of so-called milk bread which was deficient in milk and was short weight, and one shipment of bread which failed to bear a statement on the label of the quantity of the contents.

On November 14, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the O. P. Skaggs Co., a corporation trading at Salt Lake City, Utah, alleging shipment by said company in the period from on or about April 13, 1938, to on or about April 29, 1938, from the State of Utah into the State of Idaho of quantities of bread which was misbranded and portions of which were adulterated in violation of the Food and Drugs Act. Portions of the article were labeled: "Milk Maid Bread * * * Baked By City Baking Co. Salt Lake City, Utah."

Portions of the article were alleged to be adulterated in that a product deficient in milk had been substituted for milk bread, which it purported to be.

The said portions were alleged to be misbranded in that the statement "Milk Maid White [or "Wheat"] Bread" and "1 Lb." together with a design of a milk maid with a pail of milk, borne on the wrapper, were false and misleading and were borne on the wrapper so as to deceive and mislead the purchaser in that the said statements represented that the article consisted of milk bread and that each loaf weighed 1 pound; whereas the article did not consist of milk bread, but consisted of a product deficient in milk and each of the loaves did