

406. Adulteration of apples. U. S. v. 12 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1404. Sample No. 79411-D.)

On October 13, 1939, the United States attorney for the Northern District of Illinois filed a libel against 12 bushels of apples at Joliet, Ill., alleging that the article had been shipped on or about October 9, 1939, by Gust Famales from Benton Harbor, Mich., and consigned to himself at Joliet, Ill.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

407. Adulteration of apples. U. S. v. 162 Bushels and 38 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1085. Sample Nos. 47049-D, 47050-D.)

On or about October 24, 1939, the United States attorney for the Eastern District of Illinois filed a libel against 200 bushels of apples at Centralia, Ill., alleging that the article had been transported in interstate commerce by William W. Corners, in his own truck, from Fennville, Mich., to his place of business at Centralia, Ill.; and charging that it was adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, in harmful quantities.

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

408. Adulteration of apples. U. S. v. 220 Crates of Apples. Default decree of condemnation and destruction. (F. D. C. No. 966. Sample No. 47101-D.)

On or about November 1, 1939, the United States attorney for the Southern District of Indiana filed a libel against 220 crates of apples at Evansville, Ind., alleging that the article had been shipped in interstate commerce on or about October 20, 1939, by Peter Laurenzo from Fennville, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered the apples harmful to health.

On January 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

409. Adulteration of apples. U. S. v. 20 Crates, 10 Crates, and 20 Crates of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1375. Sample Nos. 54887-D, 54888-D, 54890-D.)

On November 18, 1939, the United States attorney for the Eastern District of Missouri filed a libel against 50 crates of apples at Portageville, Mo., alleging that the article had been transported in interstate commerce from Sodus, Mich., on or about November 15, 1939, by V. C. McGowan; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On January 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

410. Adulteration of apples. U. S. v. 282 Boxes and 37 Boxes of Apples. Default decrees of condemnation and destruction. (F. D. C. Nos. 1088, 1089. Sample Nos. 73648-D, 74094-D.)

On November 15, 1939, the United States attorney for the District of Rhode Island filed libels against 282 boxes of apples at West Warwick, R. I., and 37 boxes of apples at Providence, R. I., alleging that the article had been transported in interstate commerce on or about November 2, 6, and 10, 1939, in part by Hyman Israeloff, and in part by the C. D. Fletcher Co. from West Concord, Mass.; and charging that it was adulterated in that it contained added poisonous or added deleterious ingredients, which are unsafe within the meaning of the statute.

On February 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

411. Adulteration of apples. U. S. v. 4,045 Pounds of Apples. Default decree of condemnation and destruction. (F. D. C. No. 880. Sample No. 66716-D.)

On October 10, 1939, the United States attorney for the District of Nebraska filed a libel against 4,045 pounds of apples at Fremont, Nebr., alleging that the article had been transported by the Shada Fruit Co. from Troy, Kans., to the Shada Fruit Co., Fremont, Nebr., on or about October 6, 1939; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On February 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

412. Adulteration of pears. U. S. v. 26 Boxes of Pears. Default decree of condemnation and destruction. (F. D. C. No. 1196. Sample No. 85665-D.)

On December 6, 1939, the United States attorney for the Eastern District of New York filed a libel (amended December 11, 1939) against 26 boxes of pears at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 18, 1939, by H. C. Myers from Boise, Idaho; and charging that it was adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health. It was labeled in part: (Box) "Beurre d'Anjou Extra Fancy * * * Pears. Grown by Horace Myers Boise Idaho."

On January 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

413. Adulteration and misbranding of oranges. U. S. v. 404 Bushels of Oranges in Bulk. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1038. Sample Nos. 82976-D, 82977-D.)

Examination showed that 30 percent of these oranges had marked dryness in 20 percent or more of the exposed pulp when the oranges were cut transversely through the center; and therefore were below U. S. Grade No. 2 on account of excess percentage of oranges showing dryness.

On November 21, 1939, the United States attorney for the Northern District of Georgia filed a libel against 404 bushels of oranges in bulk at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 15, 1939, by Palca Fruit Growers, Inc., from Lakeland, Fla.; and charging that it was adulterated and misbranded. Each orange was marked on the skin: "U. S. No. 2."

The article was alleged to be adulterated in that it was unfit for food because of dryness; in that a valuable constituent, juice, had been in whole or in part omitted or abstracted therefrom; in that a substance, dried oranges, had been substituted wholly or in part therefor; and in that the said damage or inferiority had been concealed.

It was alleged to be misbranded in that the statement "U. S. No. 2" was false and misleading when applied to oranges that were unfit for food and did not meet the requirements of the grade indicated.

On December 15, 1939, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

414. Adulteration of canned cherries. U. S. v. 71 Cases of Cherries. Default decree of condemnation and destruction. (F. D. C. No. 1361. Sample Nos. 83757-D, 90601-D.)

These canned cherries contained worms.

On January 18, 1940, the United States attorney for the District of Oregon filed a libel against 71 cases of canned cherries at Baker, Oreg., alleging that the article had been shipped in interstate commerce on or about September 19, 1939, by Pacific Fruit & Produce Co. from Yakima, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Nation's Garden Brand * * * Red Sour Pitted Cherries * * * Packed for Fine Foods, Inc. Seattle Minneapolis."

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

415. Misbranding of canned cherries. U. S. v. 68 Cases of Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 1431. Sample No. 89133-D.)

This product was short of the declared weight.

On or about February 5, 1940, the United States attorney for the Northern District of Illinois filed a libel against 68 cases of canned cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 22, 1939, by Keystone Cooperative Grape Association, Inc., from Erie, Pa.; and charging that it was misbranded in that the statement "Contents 1 Lb. 5 Oz." appearing upon the containers was false and misleading since it was incorrect; and in that it was in package form and did not bear