

26, 1943, by M. M. Spear & Son from St. Joseph, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, lead, which might render it injurious to health. The article was labeled in part: "Herman Maikowski R. 2 Watervliet Mich."

On October 27, 1943, no claim or answer having been entered and the owner having authorized the destruction of the product, judgment of condemnation was entered and the product was ordered delivered to a government agency.

5718. Adulteration of apples. U. S. v. 211 Boxes of Apples (and 2 other seizure actions involving apples). Decrees of condemnation. One lot ordered released under bond to be brought into compliance with the law; remaining lots ordered destroyed. (F. D. C. Nos. 11036, 11117, 11120. Sample Nos. 35724-F, 41407-F, 43229-F.)

On or about October 13, 22, and 25, 1943, the United States attorneys for the Northern District of Georgia, the Southern District of Texas, and the District of Nebraska filed libels against 211, 232, and 45 boxes of apples at Atlanta, Ga., Houston, Tex., and Grand Island, Nebr., alleging that the article had been shipped on or about September 21 and 29, 1943, by the American Fruit Growers, Inc., from Olds and Wenatchee, Wash.; and charging that it was adulterated in that it contained added poisonous or deleterious substances, lead in two of the lots and lead and arsenic in one lot, which might have rendered it injurious to health. The article was labeled in part: (Box) "Satisfactoree Brand C Grade Delicious," or "Fancy Skookum Apples-Skookum Packers Association, Wenatchee, Washington," or "Fancy Jonathans * * * Grown and Packed By East Side Orchard Wenatchee, Wash. * * * Distributed By Northwestern Fruit Exchange Wenatchee Washington."

On November 4, 1943, the American Fruit Growers, Inc., Northwestern Fruit Exchange and W. A. White Brokerage Co., claimants for the lot at Grand Island, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The apples were peeled and used in bakery products. On November 17 and December 31, 1943, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

5719. Adulteration of apples. U. S. v. 481 Bushel Baskets of McIntosh Apples. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 11033. Sample No. 8420-F.)

On October 9, 1943, the United States attorney for the Northern District of Iowa filed a libel against 481 bushel baskets of McIntosh apples at Dubuque, Iowa, alleging that the article, consigned by George W. Haxton & Son, had been shipped in interstate commerce on or about September 22, 1943, from Barker, N. Y.; and charging that it was adulterated in that it contained added poisonous or deleterious substances, arsenic and lead, which might have rendered it injurious to health.

On October 30, 1943, George W. Haxton & Son, Oakfield, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5720. Adulteration and misbranding of frozen cherries. U. S. v. 172 Cartons and 92 Cartons of Frozen Cherries. Default decree of condemnation and destruction. (F. D. C. No. 10707. Sample Nos. 11950-F, 11951-F.)

On September 11, 1943, the United States attorney for the Northern District of California filed a libel against 264 cartons of frozen cherries at San Francisco, Calif., alleging that the article had been shipped on or about July 30, 1943, by the S. A. Moffett Company from Seattle, Wash.; and charging that it was adulterated and misbranded. It was labeled in part: "4 1 R. S. P. Cherries."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence therein of maggots; and in that partially pitted cherries had been substituted in whole or in part for pitted cherries which the article purported or was represented to be.

It was alleged to be misbranded in that the statement "R. S. P. Cherries," meaning red sour pitted cherries, was false and misleading as applied to partially pitted cherries.

On October 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.