

20763. Adulteration of apples. U. S. v. 24,000 Pounds of Apples. Default decree of destruction. (F. & D. no. 29961. Sample no. 35103-A.)

This case involved an interstate shipment of apples that bore arsenic and lead in amounts that might have rendered them injurious to health.

On February 25, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 24,000 pounds of apples at Cincinnati, Ohio, consigned by R. A. Watson, receiver, from Neoga, Ill., February 13, 1933, alleging that the article had been shipped in interstate commerce from Neoga, Ill., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained arsenic and lead, added poisonous or deleterious ingredients.

On February 28, 1933, no claimant having appeared for the property, and the court having found that the product was rapidly deteriorating and was unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20764. Misbranding and alleged adulteration of canned shrimp. U. S. v. 34 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29094. Sample no. 20383-A.)

This case involved a quantity of canned shrimp that contained excessive brine and was short weight.

On October 19, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 34 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 24, 1932, by the Nassau Packing Co., from Jacksonville, Fla., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musketeer Nassau Shrimp Net Weight Wet Pack 5¾ ozs."

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the article.

Misbranding was alleged for the reason that the statement "Net Weight * * * 5¾ Ounces", borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason 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, since the statement made was incorrect.

On March 13, 1933, the Nassau Packing Co., Jacksonville, Fla., having appeared as claimant for the property, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture. The decree provided that the product be released to the claimant upon payment of costs and the deposit of cash surety in the sum of \$200, conditioned that it be re-labeled, and should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20765. Adulteration of canned salmon. U. S. v. 1,084 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28958. Sample no. 14646-A.)

This case involved a quantity of canned salmon that was in part decomposed.

On September 24, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 1,084 cases of canned salmon at San Francisco, Calif., consigned by Libby, McNeill & Libby, alleging that the article had been shipped in interstate commerce, on or about September 3, 1932, from Seattle, Wash., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Happy-Vale Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.