

condemnation of 714 boxes of apples at Kansas City, Kans., alleging that the article had been shipped by the Wenatchee Okanogan Cooperative Federation, from Wenatchee, Wash., on or about September 30, 1931, and had been transported from the State of Washington into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "100 Ex Fancy Delicious * * * J. T. Cole Wenatchee Wash. Wenoka Apples * * * Grown and Packed by Wenatchee Federated Growers, Wenatchee Wash."

It was alleged in the libel that the article was adulterated for the reason that it contained added poisonous or deleterious ingredients, to wit, lead and arsenic, which might have rendered the article injurious to health.

On January 21, 1932, the Midwest Ice & Cold Storage Co., Kansas City, Kans., having appeared as claimant for the property, judgment was entered finding the product adulterated as charged in the libel, and it was ordered by the court that the claimant be allowed to treat the apples under the supervision of this department in such manner that they would be made to comply with the Federal food and drugs act, upon the execution of a bond in the sum of \$2,000. It was further ordered that upon compliance with the terms of the decree, the apples be released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19097. Misbranding of canned peas. U. S. v. 356 Cases, et al., of Canned Peas. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 27074, 27090. I. S. Nos. 35092, 35095. S. Nos. 5304, 5328.)

Examination of samples of canned peas from the shipments herein described having shown that the article fell below the standard promulgated by this department for canned peas, in that it contained hard peas, and the label having failed to bear a statement that the article fell below such standard, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about October 19 and October 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 594 cases of canned peas at Chicago, Ill., alleging that the article had been shipped by the Wabash Canning Corporation, Wabash, Ind., on or about July 18 and July 31, 1931, and had been transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "White Cloud Brand Selected Early June Peas * * * Wabash Packed Fresh From the Field, by the Wabash Canning Corporation, Wabash, Ind."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, in that it contained hard peas and the labels did not bear the statement prescribed by the Secretary of Agriculture indicating that such product fell below such standard.

On January 5, 1932, the Wabash Canning Corporation, Wabash, Ind., claimant, having admitted the allegations of the libels, and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon the payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act, or to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19098. Adulteration of tomato catsup. U. S. v. 68 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27050. I. S. No. 21635. S. No. 5285.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 cases of tomato catsup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by