

On February 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19620. Adulteration of rabbits. U. S. v. 92 Barrels of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27590. I. S. No. 45318. S. No. 5620.)**

This action involved the shipment of 92 barrels of slaughtered rabbits. Samples taken from the shipment were found to be decomposed and diseased.

On December 28, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of the said 92 barrels of rabbits at Chicago, Ill., alleging that the article had been shipped by the Henderson Produce Co., from Monroe City, Mo., on or about December 14, 1931, and had been transported from the State of Missouri into the State of Illinois, 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 consisted in part of a decomposed, filthy, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On February 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19621. Adulteration of slab apricots. U. S. v. 275 Boxes of Slab Apricots. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27703. I. S. No. 31348. S. No. 5789.)**

Samples of slab apricots from the shipment herein described having been found to be insect-infested, moldy, and fermented, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On February 8, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 275 boxes of slab apricots, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by Rosenberg Bros. & Co., San Francisco, Calif., on or about January 19, 1932, and had been transported from the State of California into the State of Pennsylvania, 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 consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19622. Adulteration of celery? U. S. v. 352 Crates of Celery. Decree ordering product released under bond. (F. & D. No. 27718. I. S. No. 50328. S. No. 5809.)**

Arsenic having been found on celery taken from the shipment involved in this action, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On February 4, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 352 crates of the said celery, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Manatee County Growers Association of Bradenton, Fla., from Vanderipe, Fla., on or about January 28, 1932, and had been transported from the State of Florida into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mana T Brand Packed and shipped by Manatee County Growers Association, Bradenton, Florida."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On February 20, 1932, the Manatee County Growers Association, having appeared as claimant for the property and having admitted the allegations of the libel, and the court having found that a portion of the article was fit for human consumption and could be separated from the unfit portion, judgment was entered ordering that the product be released to the claimant upon the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or other existing laws, and it was further ordered that the unfit portion be destroyed and that claimant pay costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19623. Misbranding of canned cherries. U. S. v. 25 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27673. I. S. No. 32351. S. No. 5747.)**

Examination of the canned cherries involved in this action showed that the article consisted of water-packed cherries, and consequently fell below the standard promulgated by the Secretary of Agriculture for canned cherries, and was not labeled to show that it was substandard.

On January 16, 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 for the district aforesaid a libel praying seizure and condemnation of 25 cases of canned cherries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the C. S. Kale Canning Co., from Everson, Wash., on or about December 12, 1931, and had been transported from the State of Washington into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Whatcom Brand Red Sour Pitted Cherries \* \* \* C. S. Kale Canning Company, Everson, Washington."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it consisted of water-packed cherries and its label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On February 1, 1932, Smith, Lynden & Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$64, conditioned that it be relabeled, and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19624. Misbranding of potatoes. U. S. v. 87 Sacks of Potatoes. Product ordered released under bond to be relabeled. (F. & D. No. 27624. I. S. No. 41129. S. No. 5653.)**

This action involved a shipment of potatoes, represented to be United States grade No. 1, which were found to be below grade.

On January 4, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 87 sacks of the said potatoes, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Wesco Food Co., Wonewoc, Wis., on or about December 17, 1931, and had been transported from the State of Wisconsin into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "U. S. Grade No. 1 Potatoes."

It was alleged in the libel that the article was misbranded in that the statement on the label, "U. S. Grade No. 1," was false and misleading and deceived and misled the purchaser, since the potatoes were not of United States grade No. 1, but were of a lower grade.

On February 17, 1932, Anthony Pupillo, trading as the Pupillo Fruit Co., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered ordering that the product be released