

19783. Adulteration of apples. U. S. v. 85 Boxes, et al., of Apples. Default decree of condemnation, forfeiture, and destruction. (148-A. F. & D. No. 28388.)

Lead and arsenic were found on samples of apples taken from the interstate shipment involved in this action.

On May 17, 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 141 boxes of apples, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 30, 1932, by the Pacific Fruit & Produce Co., from Wenatchee, Wash., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) "Snoboy Brand Wenatchee Apples Distributed by Pacific Fruit & Produce Co."

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

On May 28, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19784. Adulteration of apples. U. S. v. 756 Boxes of Apples. Product released under bond for reconditioning. (886-A. F. & D. No. 28349.)

Arsenic in an amount which might have rendered the article injurious to health was found on apples taken from the interstate shipment involved in this action.

On April 30, 1932, the United States attorney for the Southern 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 756 boxes of apples, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 23, 1932, by F. W. Shields from Shannon, Wash., to Los Angeles, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "S. Optimus Fruit Ranch J. E. Shannon & Sons Proprietor * * * Yakima, Wash."

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

On May 4, 1932, the Frank W. Shields Co., Yakima, Wash., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$1,000, a decree was entered ordering that the product be delivered to the claimant for reconditioning under the supervision of this department. On May 11, 1932, the product having been reconditioned by removal of the arsenic, final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

HENRY A. WALLACE, *Secretary of Agriculture.*

19785. Misbranding of canned clams. U. S. v. 29 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27661. I. S. No. 32377. S. No. 5694.)

This action involved the interstate shipment of a quantity of canned clams, samples of which were found short of the declared weight.

On January 14, 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 29 cases of canned clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 12, 1931, by the Sergeant-Paup Co., from Seattle, Wash., to San Francisco, Calif., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Palace Brand Whole Butter Clams Net Contents 6 Lbs. 14 Oz. Haas Brothers Distributors San Francisco, Cal."

It was alleged in the libel that the article was misbranded in that the statement "Net Contents 6 Lbs. 14 Oz.," was false and misleading and deceived