

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

and mislead the purchaser, since the amount of clams contained in said cans was less than that represented. Misbranding was alleged 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 packages, since the cans contained less than represented.

On May 10, 1932, the Sergeant-Paup Co., Seattle, Wash., having appeared as claimant for the property 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 \$100, conditioned in part that it be brought into conformity with the law under the supervision of this department, and should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19786. Adulteration of tomato puree and tomato catsup. U. S. v. 30 Cases of Tomato Puree, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27726, 27735. I. S. Nos. 47433, 47438. S. Nos. 5810, 5815.)

These actions involved the interstate shipment of quantities of tomato puree and tomato catsup, samples of which were found to contain excessive mold.

On or about February 7 and February 11, 1932, the United States attorney for the Western District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 30 cases of tomato puree and 168 cases of tomato catsup at Oklahoma City, Okla. It was alleged in the libels that the articles had been shipped in interstate commerce by the Currie Canning Co., from Grand Junction, Colo., to Oklahoma City, Okla., the catsup having been shipped on or about October 10, 1931, and the puree having been shipped on or about December 3, 1931, and that they were adulterated in violation of the food and drugs act. The articles were labeled in part: (Cans) "R. B. M. Co. Brand Tomato Puree Distributed by Ridenour Baker Mercantile Co., Oklahoma City, U. S. A.;" "Heart of the Rockies Brand Tomato Catsup, C. C. Co. * * * Packed by the Currie Canning Co., Grand Junction Colorado."

Adulteration of the articles was alleged in the libels for the reason that they consisted in part of decomposed vegetable substance.

On May 3, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19787. Adulteration of cabbage. U. S. v. 1 Carload, et al., of Cabbage. Consent decrees of condemnation and forfeiture. Product released under bond to be reconditioned. (6610-A, 6670-A. F. & D. Nos. 28337, 28358.)

Arsenic in an amount which might have rendered the article injurious to health was found on cabbage taken from the interstate shipments involved in these actions.

On May 11, 1932, the United States attorney for the Southern 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 one carload of cabbage at Peoria, Ill. On or about May 13, 1932, the United States attorney for the Southern District of Indiana filed a libel against one carload of cabbage at Indianapolis, Ind. It was alleged in the libels that the article had been shipped in interstate commerce by M. E. Girard from Lafayette, La., the former on or about May 5, 1932, to Peoria, Ill., and the latter on or about May 6, 1932, to Indianapolis, Ind., and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

M. E. Girard, Lafayette, La., entered an appearance as claimant for the property in both cases and consented to the entry of decrees. On May 12 and May 14, 1932, respectively, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant