

be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be reworked under the supervision of this Department so that it contain at least 80 percent of butterfat.

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

20437. Adulteration of pears. U. S. v. 40 Boxes, et al., of Pears. Product ordered released under bond. (F. & D. no. 29330. Sample nos. 25826-A, 25827-A.)

This action involved the interstate shipment of quantities of pears, samples of which were found to contain arsenate of lead in an amount which might have rendered them injurious to health.

On or about October 22, 1932, the United States attorney for the District of Montana, 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 188 boxes of pears at Butte, Mont., alleging that the article had been shipped on or about October 12, 1932, by the W. E. Roche Fruit Co., from Yakima, Wash., to Butte, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "D'Anjou Fancy [or "Flemish Beauty"] * * * Packed and shipped by Roche Fruit & Produce Co., Yakima, Washington."

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

On November 29, 1932, Sweet Bros., Inc., Butte, Mont., claimant, having admitted the allegations of the libel, a decree was entered by the court ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the article should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

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

20438. Adulteration of cauliflower. U. S. v. 245 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29261. Sample no. 11023-A.)

This action involved the interstate shipment of a quantity of cauliflower, samples of which were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 21, 1932, the United States attorney for the District of New Jersey, 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 245 crates of cauliflower, remaining in the original and unbroken packages at Newark, N. J., alleging that the article had been shipped on or about October 20, 1932, by Rosenblatt & Weiss, from Riverhead, Long Island, N. Y., to Newark, N. J., 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 an added poisonous or deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On November 22, 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.

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

20439. Adulteration of cauliflower. U. S. v. 351 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29274, 29275. Sample nos. 21106-21108-A, incl. 21113-A, 21114-A.)

These actions involved the interstate shipment of quantities of cauliflower, samples of which were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 21, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 400 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped, in part on or about October 20, 1932, and in part on or about October

21, 1932, by John DiGiacomo, from Riverhead, Long Island, N. Y., to Philadelphia, Pa., 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 an added poisonous or deleterious ingredient, arsenic.

On November 18, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

20440. Adulteration of apples. U. S. v. 332 Boxes of Apples. Product released under bond. (F. & D. no. 29278. Sample no. 24290-A.)

This action involved a quantity of apples that were found to contain arsenic in an amount which might have rendered the article injurious to health.

On October 21, 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 332 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 October 6, 1932, by H. N. S. Denison Co., from Freewater, Oreg., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rome Beauty Orchard Run."

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 October 25, 1932, Charles Milne, Los Angeles, Calif., having entered an appearance and claim admitting the allegations of the libel and having filed a release bond in the sum of \$300, conditioned that the article would not be disposed of contrary to the provisions of the Food and Drugs Act, a decree was entered ordering that the product be released to the claimant. On November 4, 1932, the apples having been made to conform with the law, a decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

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

20441. Adulteration and misbranding of butter. U. S. v. 15 Cubes of Butter. Product released under bond for reworking. (F. & D. no. 29219. Sample no. 24284-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On October 15, 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 15 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 11, 1932, by Mountain States Creamery, from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Butter Keep Cool."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the article was labeled butter, which label was false and misleading, since the article contained less than 80 percent of milk fat.

On October 25, 1932, F. J. Fish, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$200, a decree was entered ordering that the product be delivered to the claimant to be brought into conformity with the law under the supervision of this Department. On November 5, 1932, the product having been reworked, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

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