

leading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged for the further reason that the article was canned food, and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since the product was slack-filled because of excessive brine, and the package or label did not bear a plain and conspicuous statement indicating that it fell below such standard. On December 15, 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.*

20504. Adulteration of apples. U. S. v. 46 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29317. Sample no. 5049-A.)

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

On October 28, 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 46 bushels of apples at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about October 20, 1932, by R. G. Beckwith, from Benton Harbor, Mich., to Peoria, Ill., 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 and deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On December 14, 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.*

20505. Adulteration of cauliflower. U. S. v. 10 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29266, 29328, 29635. Sample nos. 12655-A, 13323-A, 18429-A.)

These actions involved the interstate shipments of quantities of cauliflower that bore arsenic and lead in amounts which might have rendered the article injurious to health.

On October 15, 1932, the United States attorney for the Western District of Texas, 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 18 crates of cauliflower at Austin, Tex. On or about October 18, 1932, the United States attorney for the Southern District of Texas filed libels against 10 crates of cauliflower at Corpus Christi, Tex., and 27 crates at Galveston, Tex. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about October 1, 1932, and in part on or about October 5, 1932, by the Rocky Mountain Produce Co., from Denver, Colo., 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 added poisonous and deleterious ingredients, arsenic and lead, which ingredients might have rendered the product injurious to health.

On November 18, December 2, and December 9, 1932, no claim having been entered in the cases, nor answers filed to the various libels, judgments of condemnation and forfeiture were entered, and it was ordered by the courts that the product be destroyed by the United States marshal.

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

20506. Adulteration of apples. U. S. v. 710 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 29637. Sample no. 18037-A.)

This action involved the interstate shipment of a quantity of apples that bore arsenate of lead in an amount which might have rendered them injurious to health.

On November 16, 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 710 boxes of apples at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about October 27, 1932, by the Northwestern Fruit Exchange, from Stratford, Wash., to Billings, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Delicious Wash. * * * Grown by Stratford Orchards Co. Stratford, Wash."

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

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

20507. Adulteration of cauliflower. U. S. v. 250 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction of 171 crates; 79 crates of the product released. (F. & D. no. 29260. Sample no. 7615-A.)

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

On October 17, 1932, the United States attorney for the Southern District of Florida, 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 250 crates of cauliflower, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 6, 1932, by Celery Vale Farms, from Denver, Colo., to Jacksonville, Fla., 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.

The consignor, the Celery Vale Farms, Denver, Colo., and the consignee, the Winn & Lovett Grocery Co., Inc., Jacksonville, Fla., entered an appearance and filed a claim for 79 crates of the product representing that the cauliflower in this lot had not been sprayed with arsenic, and consented to the destruction of the remainder. Examination of the said 79 crates having shown that they contained no arsenic, on October 26, 1932, judgment was entered ordering that they be released and that the remainder be condemned and destroyed.

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

20508. Adulteration and misbranding of loganberry juice. U. S. v. Northwest, Inc., and Cuthbert M. Miall and Carl Huber, Officers of the Corporation. Pleas of guilty. Fine, \$2. (F. & D. no. 28134. I. S. no. 40028.)

This action involved the interstate shipment of a product represented to be pure loganberry juice, which contained undeclared added water. The article also contained added sugar which was not clearly and conspicuously declared on the label, since the declaration appeared in a position and type not readily noticeable.

On December 15, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Northwest, Inc., Salem, Oreg., and Cuthbert M. Miall and Carl Huber, officers of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 24, 1931, from the State of Oregon into the State of Illinois, of a quantity of loganberry juice that was adulterated and misbranded. The article was labeled in part: (Case) "Northwest Canning Company, Salem, Oregon, * * * U. S. A. Phez Pure Juice of the Loganberry", (bottle) "Pressed from Luscious Oregon Loganberries * * * Phez Pure Juice of the Loganberry, * * * Northwest Fruit Products Co."

It was alleged in the information that the article was adulterated in that an added, undeclared substance, water, and an added declared substance, sugar, which was declared on the label in a manner not readily noticeable, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure juice of the loganberry, which the article purported to be.