

property, judgment was entered ordering that the apples be delivered to the said claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that they should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

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

20608. Adulteration of apples. U. S. v. 814 Boxes of Apples. Claim and answer filed. Product released under bond. (F. & D. no. 29894. Sample no. 18046-A.)

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

On November 29, 1932, the United States attorney for the District of Montana, acting upon a report by the State Board of Health of Montana, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 814 boxes of apples at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about November 3, 1932, by T. A. Jones, from Dayton, Wash., to Butte, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Grown by Harry F. Kennedy, Dayton, Wash."

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

On December 10, 1932, George W. Gates and Edwin Winters, copartners, Butte, Mont., claimants, filed an answer admitting the allegations of the libel and praying release of the property. Judgment was entered ordering delivery of the product to claimants upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the apples should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

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

20609. Adulteration of butter. U. S. v. Arthur J. Nelson and Herbert C. Loehndorf (Bagley Creamery). Plea of guilty. Fine, \$10. F. & D. no. 28042. I. S. no. 40588.)

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

On July 8, 1932, the United States attorney for the Western District of Wisconsin, 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 Arthur J. Nelson and Herbert C. Loehndorf, copartners, trading as the Bagley Creamery, Bagley, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 5, 1931, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

On December 5, 1932, a plea of guilty was entered to the information, and the court imposed a fine of \$10.

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

20610. Adulteration of canned pumpkin. U. S. v. 299 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29191. Sample no. 20365-A.)

This action involved the interstate shipment of a quantity of canned pumpkin, samples of which were found to be unsterile and decomposed.

On November 4, 1932, the United States attorney for the Middle District of Pennsylvania, 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 299 cases of canned pumpkin, remaining in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about September 30, 1932, by William Laning & Son Co., from Bridgeton, N. J., to Wilkes-Barre, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, Cumberland Co. N. J."