

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 it injurious to health.

Misbranding was alleged for the reason that the statement on the label, "Pure Apple Cider Vinegar", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the article was pure cider vinegar, whereas it contained an added poisonous or deleterious ingredient, arsenic.

On April 20, 1932, the Bismarck Grocery Co., Bismarck, N.Dak., having appeared as claimant and having petitioned for release of the property, an order was entered by the court releasing the product to the claimant under bond, conditioned that it be made to comply with the Federal Food and Drugs Act.

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

20823. Adulteration of celery. U. S. v. 340 Half Crates of Celery, et al. Decrees of condemnation entered. Portion of product released under bond for removal of arsenic. Remainder destroyed. (F. & D. nos. 29767, 29780, 29781, 29807, 29834, 29848, 29857, 29869, 29870, 29871, 29957. Sample nos. 14090-A, 16289-A, 16295-A, 16296-A, 16586-A, 16587-A, 18884-A, 21166-A, 21467-A, 23980-A, 23991-A.)

These cases involved several shipments of celery that was found to bear arsenic in an amount that might have rendered it injurious to health.

On January 10, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 340 half crates of celery at Omaha, Nebr. Between the dates of January 11 and January 28, 1933, the following libels also were filed: In the Western District of Oklahoma against 21 crates and 14 bundles of celery at Oklahoma City, Okla.; in the Southern District of Mississippi against 150 crates of celery at Jackson, Miss.; in the District of Massachusetts against 648 half crates of celery at Boston, Mass.; in the District of New Jersey against 324 half crates of celery at Jersey City, N.J.; in the Northern District of Texas against 1 carload of celery at Fort Worth, Tex.; in the District of Nebraska against 1 carload of celery at Grand Island, Nebr.; in the Northern District of Illinois against 324 crates of celery at Chicago, Ill.; in the Northern District of New York against 201 crates of celery at Albany, N.Y., and in the Eastern District of Missouri against 206 crates of celery at Hannibal, Mo. The libels charged that the article had been shipped by the H. P. Garin Co., in part from National City, Calif., and in part from Chula Vista, Calif., the shipments covering the period from December 20, 1932, to January 14, 1933, that it had been shipped in interstate commerce, and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled. "H. P. Garin Company, Growers & Shippers of California Vegetables, San Francisco, Cal."

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

On January 12 and February 9, 1933, the H. P. Garin Co., Chula Vista, Calif., filed claims for the lot seized at Omaha, Nebr., and at Albany, N.Y., admitted the allegation of the libels, and consented to the entry of decrees. Judgments of condemnation and forfeiture were entered, and the court ordered that the celery be released under bond, conditioned that the arsenic be removed or the unfit portions segregated and destroyed. On January 12 and January 23, 1933, decrees containing similar provisions were entered in the cases instituted at Oklahoma City and at Chicago, and the goods were released to the respective claimants, to be brought into compliance with the law by cleaning.

On January 25, 1933, the claimant having been unable to remove the arsenic from the celery released under bond at Omaha, Nebr., the product was ordered destroyed. On January 26 and January 28, 1933, the two carloads seized at Fort Worth, Tex., and Grand Island, Nebr., were condemned and destroyed with consent of the shipper. Defaults were entered against the product seized at Boston, Mass., Jersey City, N.J., Hannibal, Mo., and Jackson, Miss., between the dates of January 25 and May 11, 1933, and it was ordered condemned and destroyed.

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