

merce, on April 14, 1933, by the Akron Creamery Co., from Akron, Iowa, and charging adulteration in violation of the Food and Drugs Act.

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

On April 27, 1933, S. & W. Waldbaum, Inc., New York, N. Y., claimant, having admitted the allegations of the libel 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 claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

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

**20962. Misbranding of cottonseed screenings. U. S. v. Southland Cotton Oil Co. Plea of nolo contendere. Fine, \$5. (F. & D. no. 29445. I. S. nos. 47477, 47490.)**

This case was based on interstate shipments of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the label.

On March 1, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southland Cotton Oil Co., a corporation, Paris, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 24 and November 7, 1931, from the State of Texas into the State of Kansas, of quantities of cottonseed screenings that were misbranded. The article was labeled in part: "Southland's Cottonseed Cake or Meal Prime Quality Guaranteed Analysis Crude Protein, not less than 43% \* \* \* Made \* \* \* By Southland Cotton Oil Company, Paris, Texas."

It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Crude Protein, not less than 43%", borne on the tags attached to the sacks containing the article, was false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On April 25, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

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

**20963. Adulteration of apples. U. S. v. 39 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29602. Sample no. 5070-A.)**

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On November 9, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 bushels of apples at Gary, Ind., alleging that the article had been shipped in interstate commerce on or about November 2, 1932, by Bert & Granger, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "George Kniebes, Coloma, Mich."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 6, 1933, no claimant having appeared for the property, and the court having found that the apples were in a decaying condition, 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.*

**20964. Adulteration of apples. U. S. v. 756 Boxes of Apples. Product released under bond for removal of lead spray residue. (F. & D. no. 30007. Sample no. 31363-A.)**

This case involved an interstate shipment of apples that were contaminated with lead spray residue.

On March 14, 1933, 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 a libel praying seizure and condemnation of 756 boxes of apples at Jersey City, N. J., alleging that the article had been

shipped in interstate commerce, on or about March 3, 1933, by the Independent Fruit Shippers, from Wenatchee, Wash., into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Larkspur Apples \* \* \* Jerome Distributing Co. Inc., Wenatchee, New York."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it harmful to health.

The Independent Fruit Shippers, Inc., appeared as claimant, and filed a stipulation admitting the allegations of the libel and consenting to the condemnation of the product. On March 22, 1933, a decree was entered ordering that the apples be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that they be made to comply with the requirements of the Federal Food and Drugs Act, by removal of the lead spray residue.

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

**20965. Adulteration of walnut meats. U. S. v. 120 Cartons of Walnut Meats. Product released under bond for separation and destruction of unfit nuts. (F. & D. no. 29856. Sample no. 2462-A.)**

This case involved an interstate shipment of walnut meats which were in part wormy, rancid, and moldy.

On February 15, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 120 cartons of walnut meats at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about January 3, 1933, by L. De Martini Supply Co., from Los Angeles, Calif., to Salt Lake City, Utah, 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 consisted in part of a decomposed and filthy vegetable substance.

On March 16, 1933, the L. De Martini Supply Co., Los Angeles, Calif., appeared and filed a claim and answer admitting the allegations of the libel and praying release of the nuts. On the same date, claimant having paid costs of the proceedings and executed a bond in the sum of \$120, conditioned that the nuts be sorted under the supervision of this Department, a decree was entered granting claimant permission to ship them to Los Angeles and to sell or dispose of all that were found to be sound and edible.

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

**20966. Adulteration of celery. U. S. v. 342 Crates of Celery. Consent decree of condemnation and forfeiture. Product released under bond to be cleaned. (F. & D. no. 29884. Sample no. 33866-A.)**

This case involved an interstate shipment of celery that was found to bear arsenic in an amount which might have rendered it injurious to health.

On or about January 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 342 crates of celery at Chicago, Ill., alleging that the article had been shipped in interstate commerce, January 17, 1933, by the Guadalupe Produce Co., from Guadalupe, Calif., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lompoc Brand \* \* \* Guadalupe Produce Co. \* \* \* Guadalupe, Calif."

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

On February 4, 1933, La Mantia Bros., Arrigo Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the celery might be cleaned so that it could be sold without violating the law, ordered that it be released to the claimant for cleaning under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

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