

21062. Adulteration of apples. U. S. v. 163 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30082. Sample no. 28091-A.)

This case involved the interstate shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts which might have rendered them injurious to health.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 163 boxes of apples at Colorado Springs, Colo., alleging that the article had been shipped on or about January 6, 1933, from Wenatchee, Wash., having been consigned by H. S. Denison & Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Skookum Dessert Ex. Fancy Mountain Goat Brand Wenatchee Apples * * Skookum Growers Wenatchee Wash."

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

On May 19, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21063. Adulteration of apples. U. S. v. 80 Bushels of Apples, et al. Default decree of forfeiture and destruction. (F. & D. no. 30454. Sample nos. 5018-A, 5067-A.)

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

On or about October 28, 1932, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture filed in the district court a libel praying seizure and condemnation of 80 bushels of apples at Hoopeston, Ill., alleging that the article had been shipped in interstate commerce on or about October 11, 1932, by Wilmer Dee from Glenn, Mich., and charging adulteration in violation of the Food and Drugs Act. On November 18, 1932, the libel was amended to include 42 bushels more of apples which had been shipped in interstate commerce by Dewey Dee from Glenn, Mich., on October 30, 1932.

It was alleged in the libel that the apples were adulterated in that they contained arsenic and lead, which might have rendered them harmful to health.

On January 28, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21064. Adulteration of canned salmon. U. S. v. 58 Cases of Canned Salmon. Tried to the court. Decree entered ordering a portion of the product released and remainder condemned and destroyed. (F. & D. no. 29985. Sample nos. 28173-A, 28174-A, 28175-A.)

This case involved the interstate shipment of a quantity of canned salmon which was in part decomposed.

On March 29, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 cases of canned salmon at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about March 6, 1933, by Libby McNeill & Libby, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Libby's Fancy Red Alaska Salmon * * * packed by Libby, McNeill & Libby."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On June 13, 1933, Libby, McNeill & Libby, having filed a claim and answer denying the adulteration of the product, the case came on for trial before the court. After hearing evidence introduced on behalf of the claimant and the Government, the court entered judgment finding a portion of the product adulterated and ordering that it be condemned and destroyed. The decree further ordered that the remainder be released to the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*