

Drugs Act. The article was labeled in part: (Cans) "Sacramento Valley Bartlett Pears * * * Packed by Bercut Richards Pkg. Co., Sacramento, Cal."

It was alleged in the libels that the article was misbranded in that the statement on the label, "Sacramento Valley Standard Bartlett Pears, Packed by Bercut Richards Pkg. Co., Sacramento, Calif.", was false and misleading and deceived and misled the purchaser when applied to a product packed by Starr Fruit Products Co., at Portland, Oreg.

The Bercut-Richards Packing Co., appeared as claimant for the lot seized at Sacramento, Calif.; and Henri Bercut, Peter Bercut, and Jean Bercut, trading as Bercut Bros., having filed a claim for the lot seized at San Francisco, Calif., on June 3 and June 13, 1933, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of costs and the execution of bonds totaling \$315.50, conditioned that it be relabeled under the supervision of this Department.

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

21090. Adulteration of apples. U. S. v. 31 Boxes of Winesap Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30441. Sample no. 36103-A.)

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

On April 11, 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 31 boxes of apples at Colorado Springs, Colo., consigned by the Herman Ranch, Utahco, Wash., alleging that the article had been shipped in interstate commerce, on or about February 20, 1933, from Toppenish, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Harvest Moon Brand Yakima Valley Fruit * * * C. F. Schaefer Company, Packers, Distributors, Yakima, Washington."

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 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.*

21091. Adulteration of apples. U. S. v. 72 Boxes and 544 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. nos. 30089, 30105. Sample nos. 33712-A, 33713-A, 33715-A, 34161-A.)

These cases involved interstate shipments of apples found to bear lead in an amount which might have rendered them injurious to health.

On March 21, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 boxes of apples at St. Louis, Mo. On or about March 30, 1933, the United States attorney for the Southern District of Texas filed a libel against 544 boxes of apples at Houston, Tex. It was alleged in the libels that the article had been shipped in interstate commerce, by Gahringer Nicholson, Inc., from Wenatchee, Wash., on or about February 27 and March 1, 1933, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Persian Brand Northwest Apples C. C. Smith Fruit Co., Yakima and Wenatchee, Washington." A portion was further labeled: "Packed by Gahringer Nicholson, Wenatchee, Wash."

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

No claim or answer was filed in the cases. On May 2, 1933, judgment of condemnation was entered in the Eastern District of Missouri, and the court ordered that the apples be destroyed by the United States marshal. On May 10, 1933, a decree containing the same provisions was entered in the Southern District of Texas.

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