

21092. Misbranding of canned peaches. U. S. v. 300 Cases of Canned Peaches. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30116. Sample no. 23066-A.)

This case involved a shipment of canned peaches which consisted in large part of ragged and excessively trimmed peaches, and in which the liquid portion was deficient in sugar. The article was not labeled with a statement prescribed by this Department, indicating that it was substandard.

On April 25, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned peaches at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about April 3, 1933, by the Howard Terminal, from Oakland, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because it consisted of ragged and excessively trimmed peaches, and because the liquid portion read less than 14° Brix, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 3, 1933, Norman L. Waggoner, Inc., San Francisco, Calif., having appeared as claimant for the property, 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 should not be disposed of until relabeled to conform to the requirements of the Federal Food and Drugs Act.

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

21093. Adulteration of apples. U. S. v. 252 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30081. Sample no. 28086-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 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 252 boxes of apples at Trinidad, Colo., consigned by Matson & Co., alleging that the article had been shipped in interstate commerce on or about January 13, 1933, from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ex. Fancy Winesap * * * Packed by Matson & Co. Selah, Wash."

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.*

21094. Adulteration of apples. U. S. v. 726 Boxes of Apples. Default decree of condemnation and forfeiture. Product ordered sold after removal of lead spray residue. (F. & D. no. 30021. Sample no. 35738-A.)

This case involved a shipment of apples which bore excessive lead spray residue.

On March 6, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Oklahoma City Health Department, filed in the district court a libel praying seizure and condemnation of 726 boxes of apples at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce, on or about February 20, 1933, by C. F. Schaefer Co., from Yakima, Wash., 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 contained an added poisonous or other added deleterious ingredient, namely, lead, which might have rendered it injurious to health.