

The libels charged that the article was adulterated in that it contained added poisonous or deleterious ingredients, lead or arsenic, or both arsenic and lead, which might have rendered it harmful to health.

The Hudson River Fruit Exchange, Inc., Milton, N.Y., appeared as claimant and filed answers admitting the allegations of the libels. On July 24, 1933, judgment was entered in the district court for the District of Massachusetts condemning the product and ordering that it be released to the claimant upon payment of costs and the execution of a bond, conditioned that the deleterious substance be removed under the supervision of this Department. On August 15, 1933, decrees containing similar provisions were entered in the remaining cases.

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

**21276. Adulteration of canned peaches and canned cherries. U. S. v. 46 Cases of Canned Peaches, et al. Default decrees of condemnation and destruction.** (F. & D. nos. 30498, 30500, 30501. Sample nos. 39997-A, 40126-A, 40127-A, 40128-A.)

These cases involved shipments of canned peaches and canned cherries which were in part decomposed.

On May 22 and May 24, 1933, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 494 cases of canned peaches and 20 cases and 623 cans of canned cherries at Youngstown, Ohio. It was alleged in the libels that the articles had been shipped in interstate commerce by the California Packing Corporation, from San Francisco, Calif., to Philadelphia, Pa., that they had been reshipped from Philadelphia, Pa., to Youngstown, Ohio, between the dates of March 16, 1931, and March 21, 1932, and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled in part: "Gold Bar Brand Yellow Cling Peaches", and "Silver Bar Royal Anne Cherries."

The libels charged that the articles were adulterated in that they consisted wholly or in part of decomposed vegetable substances.

On July 11, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

**21277. Adulteration of apple pomace. U. S. v. 325 Bags, et al., of Apple Pomace. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 30101, 30448, 30558. Sample nos. 9088-A, 32015-A, 32334-A.)

These actions involved interstate shipments of three lots of apple pomace which bore arsenic, or arsenic and lead, in amounts which might have rendered it injurious to health.

On April 17, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 325 bags of apple chop pomace at Boston, Mass. On May 11, 1933, a libel was filed in the Eastern District of New York against 400 bags of apple pomace at Mariners Harbor, Staten Island, N.Y., and on June 2, 1933, a libel was filed in the Southern District of New York against 40 bags of apple pomace at New York City, N.Y. It was alleged in the libels that the article had been shipped from Inwood, W.Va., in part by the C. H. Musselman Co., of Inwood, W.Va., and in part by C. H. Musselman, of Biglerville, Pa., into the States of Massachusetts and New York, in various shipments on or about September 15, 1932, April 1, 1933, and April 24, 1933, and that it was adulterated in violation of the Food and Drugs Act.

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

On July 5, July 10, and July 28, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered in the cases, and it was ordered by the court that the product be destroyed by the United States marshal.

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