

21312. Adulteration of apple pomace. U. S. v. 405 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30603. Sample no. 30481-A.)

This case involved an interstate shipment of apple pomace that contained arsenic and lead in amounts that might have rendered it harmful to health.

On June 14, 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 405 bags of apple pomace at Baltimore, Md., alleging that the article had been shipped on or about May 9, 1933, by H. R. Gragg, from Medina, N.Y., 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 added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On July 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.*

21313. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30836. Sample no. 40675-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 30, 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 a libel praying seizure and condemnation of 13 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 21, 1933, by White Lily Creamery, Guttenberg, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

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, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 1, 1933, the Peter Fox Sons 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, and it was ordered by the court that the product be released to the claimant to be reworked upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

21314. Misbranding of cottonseed screenings. U. S. v. Choctaw Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. no. 29482. I. S. nos. 47478, 47488.)

This case was based on interstate shipments of cottonseed screenings, samples of which were found to contain less than 43 percent of protein, the amount declared on the label.

On March 20, 1933, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Choctaw Cotton Oil Co., trading at Ada, Okla., a corporation in the hands of S. Cullen Boswell, receiver, alleging shipment by said company in violation of the Food and Drugs Act, on or about November 22 and December 12, 1931, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed screenings that were misbranded. A portion of the article was labeled in part: "Red Seal Brand Cotton Seed Cake and Meal * * * Protein 'not less than 43 percent * * * Manufactured By and For Choctaw Cotton Oil Company, * * * Ada, Oklahoma." The remainder was labeled in part: "Protein not less than 43%, * * * Manufactured for and by Cherokee Cotton Oil Company, Ft. Smith, Arkansas."