

It was alleged in the information that the article was adulterated under the provisions of the law relating to food, in that it contained an added deleterious ingredient, phenolphthalein, in an amount which might have rendered the article injurious to health. It was further alleged in the information that the article was adulterated under the provisions of the law relating to confectionery, in that it contained phenolphthalein, an ingredient deleterious and detrimental to health.

Misbranding was alleged for the reason that the statements, "Fruiti-Chews * * * Fruit Chew * * * blended from choicest foreign and domestic fruit flavors * * * The tang of your favorite fruits", together with designs of various fruits, borne on each of a number of packages containing the article, and the statements, to wit, "Fruit Chews * * * Blended From The Choicest Domestic And Foreign Fruits", borne on the packages containing the remainder, were false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchasers, since it contained no fruit substance, it contained no natural flavor derived from fruits, and did not contain the natural tang and flavor derived from fruits.

On September 5, 1933, the defendants entered pleas of guilty to the three counts of the information, and were each sentenced to pay a fine of \$25 on each count. Execution of the sentence was suspended on the second and third counts.

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

21446. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30842. Sample no. 43403-A.)

This case involved an interstate shipment of crab meat which was found to be filthy, examination showing that it contained fecal *B. coli*.

On July 17, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat in tins at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 13, 1933, by Riley Creighton, from Fishing Creek, Md., 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 consisted in whole or in part of a filthy animal substance.

On August 12, 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.*

21447. Adulteration of apple pectin. U. S. v. 3 Barrels of Apple Pectin. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30053. Sample no. 40504-A.)

This case involved a shipment of apple pectin which was found to contain arsenic and lead in amounts which might have rendered it injurious to health.

On April 6, 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 three barrels of apple pectin at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 30, 1932, by the Mutual Citrus Products Co., Inc., from Anaheim, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mutual Citrus Products Company, Inc., Anaheim, California, 80 Grade Apple Pectin."

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

On August 7, 1933, the White-Stokes Co., Inc., 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 upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and other laws.

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