

21860. Adulteration of dried mixed fruit. U. S. v. 15 Cases, et al., of Dried Mixed Fruit. Default decrees of condemnation and destruction. (F. & D. nos. 31575, 31576, 31577. Sample no. 51622-A.)

These cases involved a shipment of dried mixed fruit that included dried pears. Examination showed that the pears were contaminated by filth from insects or rodents.

On November 15, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 cases of dried mixed fruit, in part at New Haven, Conn., and in part at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce to New York, N.Y., about October 7, 1933, by the California Prune & Apricot Growers Association of San Jose, from San Francisco, Calif., that it had been reshipped into the State of Connecticut by Richardson, Morse & Harvey, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Wooden case) "Sunsweet Nature Flavored Tree Ripened Mixed Fruit California Prune & Apricot Growers Assn. San Jose, California."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On December 19, 1933, no claimant having appeared for the property, judgments of condemnation were 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.*

21861. Adulteration of apples. U. S. v. 299 Bushels, et al., of Apples. Consent decrees of condemnation and forfeiture. Product released under bond for removal of deleterious ingredients. (F. & D. nos. 31590, 31653, 31715, 31909. Sample nos. 59466-A, 59471-A, 59578-A, 64029-A.)

These cases involved shipments of apples that were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On or about October 27, November 8, and November 24, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 709 bushels and 216 crates of apples at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of October 11 and October 30, 1933, that one shipment had been made by the Sawyer Fruit Exchange from Sawyer, Mich., that the remaining shipments had been made by Lee Staring (or Starring) in part from Fennville, Mich., and in part from St. Joseph, Mich., and that the article was adulterated in violation of the Food and Drugs Act.

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

On January 9 and January 13, 1933, the Chicago Pie Co. and Pie Bakeries, Inc., of Chicago, Ill., having appeared as claimants for respective portions of the property, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants for washing to remove the deleterious ingredients, upon payment of costs and the execution of bonds totaling \$1,500.

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

21862. Misbranding of salad oil. U. S. v. 29 Cans and 29 Cans of Salad Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31599, 31613. Sample nos. 51344-A, 52101-A.)

These cases involved a product which consisted chiefly of domestic cottonseed oil but which was labeled in a deceptive manner to convey the impression that it consisted of imported olive oil.

On November 17 and November 21, 1933, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 58 cans of salad oil at West New York, N.J., alleging that the article had been shipped in interstate commerce on or about November 6 and November 14, 1933, by the Modern Packing Co., from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was misbranded in that the statement, "Olio Fino Balbo Brand Tipo Lucca" and the designs of olive branches and coat of arms with crown, borne on the label, were false and misleading