

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

and deceived and misled the purchaser, since they created the impression that the article was imported Italian olive oil, whereas it consisted largely of cottonseed oil of domestic origin, and the impression was not corrected by the inconspicuous statement at the bottom of the label, "Twenty percent Olive Oil Eighty percent Salad Oil." Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On December 21, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture 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.*

21863. Adulteration of canned shrimp. U. S. v. 1,772 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 31603. Sample nos. 58569-A, 58570-A, 58586-A, 58587-A.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On November 17, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,772 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 3, 1933, by Garner Packing Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Gulf Baby Brand Cocktail Shrimp", "Pride of Gulf Brand Shrimp", "Broun's Fancy Shrimp", or "Ready Lunch Brand Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 20, 1933, George S. Washington & Sons, Philadelphia, Pa., 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 \$4,000, conditioned that it should not be sold or disposed of contrary to law. On January 3, 1934, an amended decree was entered ordering that the cans containing adulterated material be separated from the good cans and destroyed.

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

21864. Adulteration of parsley, spinach, and celery juices. U. S. v. 3 Cases of Parsley Juice, 3 Cases of Spinach Juice, and 12 Cases of Celery Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31614. Sample nos. 58395-A to 58397-A.)

This case involved quantities of parsley, spinach, and celery juices that were found to be partly decomposed.

On November 21, 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 3 cases of parsley juice, 3 cases of spinach juice, and 12 cases of celery juice, at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 29, 1933, by Edw. Higgins Food & Fruit Products, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: (Bottles) "Sun Cured Uncooked Pure Parsley [or "Spinach" or "Celery"] Juice Processed by Solar Vitalized Products Co."

It was alleged in the libel that the articles were adulterated in that they consisted wholly or in part of decomposed vegetable substances.

On December 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was 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.*

21865. Misbranding of vegetable oil. U. S. v. 74 Cans, et al., of Vegetable Oil. Decrees of condemnation and forfeiture. Portion of product released under bond, remainder destroyed. (F. & D. nos. 31619, 31628, 31629, 31636, 31743. Sample nos. 51345-A to 51348-A incl., 52104-A, 52115-A.)

Sample cans of vegetable oil taken from the various shipments involved in these cases were found to contain less than 1 gallon, the declared volume.

On November 20, November 23, November 24, November 27, and December 18, 1933, the United States attorney for the District of New Jersey, acting