

**22496. Adulteration of evaporated apples. U. S. v. A Quantity of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond to be cleaned. (F. & D. no. 31885. Sample nos. 50500-A, 50526-A, 50527-A.)**

This case involved shipments of evaporated apples that were found to be in part insect-infested and dirty.

On January 27, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,245 sacks of evaporated apples at Urbana, Ohio, alleging that the article had been shipped in interstate commerce, in various shipments, on or about November 25, 27, and 28, 1933, by the Gilbert Apple Products Co., Inc., of Rochester, N. Y., in part from Fancher, N. Y., and in part from Albion, 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 consisted wholly or in part of a filthy vegetable substance.

On May 5, 1934, the W. H. Marvin Co., Urbana, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product could be cleaned so that it would comply with the requirements of the law, ordered that it be released to the claimant to be cleaned under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$6,000.

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

**22497. Adulteration and misbranding of dried apricots. U. S. v. 10 Cases of Dried Apricots. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 31889. Sample no. 39410-A.)**

This case involved a shipment of dried apricots that contained excessive moisture and undeclared sulphur dioxide.

On January 27, 1934, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of dried apricots at York, S. C., alleging that the article had been shipped in interstate commerce, on or about December 20, 1933, by the Consolidated Packing Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Superior Brand Selected California Standard Apricots Packed by Consolidated Packing Co., San Francisco, California."

It was alleged in the libel that the article was adulterated in that dried apricots containing excessive water and sulphur dioxide had been substituted for dried apricots.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, since the content of sulphur dioxide was not declared on the label.

On May 7, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be turned over to a charitable institution if found to be sound and wholesome. The marshal's return showed that the product was in good condition and had been delivered to a local charity.

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

**22498. Misbranding of apple butter. U. S. v. 18 Cases of Apple Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 31935. Sample no. 65003-A.)**

Sample jars of apple butter taken from the shipment in this case were found to contain less than 2 pounds, the labeled weight.

On February 3, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of apple butter at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce, on or about November 22, 1933, by the Allison Bedford Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents two lbs.