

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25651-25800

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 2, 1936]

25651. Alleged adulteration of apples. U. S. v. W. E. Roche Fruit Co., a corporation. Plea of not guilty. Defendant found not guilty. (F. & D. no. 36093. Sample no. 1388-B.)

Examination of the apples involved in this case showed the alleged presence of lead and arsenic in amounts that might have rendered them injurious to health.

On January 3, 1936, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. E. Roche Fruit Co., a corporation, Yakima, Wash., alleging that on or about May 20, 1935, the defendant company shipped from the State of Washington into the State of California a quantity of apples and that the apples were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Roche Fruit & Produce Co., Orchard run, 288."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, in an amount that might have rendered said article injurious to health.

On May 8, 1936, a plea of not guilty was entered on behalf of the defendant company and a judgment of acquittal was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25652. Adulteration of frozen eggs. U. S. v. Parsons Poultry & Egg Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36094. Sample no. 80572-B.)

This case involved a shipment of frozen eggs that consisted in part of putrid, sour, and musty eggs.

On January 15, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Parsons Poultry & Egg Co., a corporation, Parsons, Kans., alleging that on or about July 1, 1935, the defendant company shipped from the State of Kansas into the State of New York, a quantity of frozen eggs and that the article was adulterated in violation of the Food and Drugs Act. The article was unlabeled and unmarked, except Merchants Refrigerating Co.'s number on bottom of some cans of frozen eggs, which were described on freight bill as "144/30 Cans Frozen Eggs."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On May 4, 1936, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

25653. Adulteration and misbranding of whisky. U. S. v. 45 Cases and 5 Cases of "Sherwood Bottled in Bond." Default decree of condemnation. Product forfeited to the United States. (F. & D. no. 36108. Sample no. 30951-B.)

This case involved the interstate shipment of an alcoholic distillate that was an imitation of whisky.

On August 9, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a