

It was alleged to be misbranded in that the statement on the label, "U. S. Utility", was false and misleading and deceived and misled the purchaser since the apples were below U. S. Utility grade because of grade defects, chiefly worm injury, cracks, and skin breaks.

On December 22, 1936, Wray, Goodwin & Kayt, claimants, having admitted the allegations of the libel, and having consented that judgment of condemnation and forfeiture be entered, a decree was entered finding the product misbranded and ordering that it be released on condition that it be relabeled under the supervision of this Department.

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

26890. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 38805. Sample no. 9503-C.)

This product contained less than 80 percent of milk fat.

On November 9, 1936, 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 libel, and on November 14, 1936, an amended libel, praying seizure and condemnation of four tubs of butter at North Hawthorne, N. J., alleging that it had been shipped in interstate commerce on or about October 26, 1936, from the Boyceville Cooperative Creamery, of Boyceville, Wis., by the Farmers Cooperative Creamery, of Glenwood City, Wis., in a pool car shipment, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of Congress of March 4, 1923.

On December 21, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26891. Adulteration of apples. U. S. v. 30 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38811. Sample no. 25934-C.)

These apples were contaminated with arsenic and lead.

On or about November 19, 1936, 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 30 bushels of apples at Hammond, Ind., alleging that they had been shipped in interstate commerce on or about October 28, 1936, by Louis Weiss, from Coloma, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kings Reuben Wendzel Coloma, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26892. Adulteration of apples. U. S. v. 756 Boxes of Apples (and two other libel proceedings). Consent decrees of condemnation. Product released under bond. (F. & D. nos. 38810, 38812, 39067. Sample nos. 25689-C, 25696-C, 26108-C.)

This product was contaminated with arsenic and lead.

On or about November 16 and November 18, 1936, 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 2,268 boxes of apples at Chicago, Ill., alleging that they had been shipped in interstate commerce from Hood River, Oreg., in part on or about October 22, October 29, and November 2, 1936, by the Apple Growers Association, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Diamond Brand * * * Packed & Shipped by Apple Growers Association Hood River, Oregon."

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