

On October 22, 1937, Val Vita Food Products, Inc., Fullerton, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to claimant under bond conditioned that it be relabeled in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28074. Adulteration of apples. U. S. v. 18 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40591. Sample No. 65235-C.)

This product was contaminated with lead.

On October 19, 1937, 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 18 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 18, 1937, by A. Digerolamo from Blue Anchor, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28075. Adulteration of apples. U. S. v. 37 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40593. Sample No. 65347-C.)

This product was contaminated with lead.

On October 16, 1937, 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 37 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 15, 1937, by Charles Battles from Beverly, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28076. Adulteration of apples. U. S. v. 68 Baskets and 78 Baskets of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40546, 40596. Sample Nos. 65219-C, 65403-C.)

This product was contaminated with lead.

On October 14 and 16, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 146 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 13 and 15, 1937, by Preston Roberts from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1 and December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28077. Misbranding of canned peas. U. S. v. 48 Cases of Peas. Decree of condemnation and destruction.** (F. & D. No. 39626. Sample No. 42009-C.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On May 20, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cases of canned peas at Norfolk, Va., alleging that the article had been shipped in interstate

commerce on or about January 18, 1937, by the H. J. McGrath Co. from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act as amended. The article was labeled in part: "McGrath's Early June Peas \* \* \* Champion Brand. The H. J. McGrath Co. Baltimore, Md. U. S. A. Distributors."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On January 7, 1938, a representative of the claimant, the H. J. McGrath Co., having informed the United States attorney that condemnation would not be contested, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28078. Adulteration of apples. U. S. v. 31 Bushels and 19 Bushels of Apples. Decrees of condemnation and destruction.** (F. & D. Nos. 40662, 40855. Sample Nos. 59641-C, 59775-C.)

This product was contaminated with arsenic and lead.

On October 12 and 30, 1937, 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 two lots, totaling 50 bushels, of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on October 6 and 27, 1937, from Benton Harbor, Mich., by Abe Weisberg of Chicago; Ill. (one lot consigned to himself), and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "J. F. Smith \* \* \* Benton Harbor, Mich." The remainder was labeled: "Julius Schlipp Coloma, Mich."

The article 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 November 3, 1937, and January 6, 1938, the claimant for one lot having consented to the entry of a decree and no claim having been entered for the other lot, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28079. Adulteration of apples. U. S. v. 215 Crates and 140 Bushels of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40680, 40738. Sample Nos. 59467-C, 59656-C.)

This product was contaminated with arsenic and lead.

On October 1 and 15, 1937, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 215 crates and 140 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce in part on or about September 28, 1937, from Hartford, Mich., by H. Shlensky & Sons (consigned to H. Shlensky & Sons, of Hammond, Ind.), and in part on or about October 7, 1937, from Riverside, Mich., by Hyman Shlensky (consigned to Hyman Shlensky & Sons, of Hammond, Ind.), and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Herbert Chabot Riverside Mich." The remainder was unlabeled.

The article 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 November 13 and December 6, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28080. Adulteration of apples. U. S. v. 45 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40847. Sample No. 50299-C.)

This product was contaminated with arsenic and lead.

On November 3, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 baskets of apples at Minneapolis, Minn., alleging that the article had been shipped in interstate