

28379. Adulteration of tomato catsup. U. S. v. 197 Cases of Spencer Brand Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 40414. Sample No. 47421-C.)

This product contained filth resulting from worm infestation and excessive mold.

On October 5, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 197 cases of Spencer brand tomato catsup at Fort Benjamin Harrison, Ind., alleging that the article had been shipped in interstate commerce on or about September 3, 1937, by W. M. Spencer & Sons Co. from Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spencer Brand Tomato Catsup."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On December 11, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

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

28380. Adulteration of apples. U. S. v. 158 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40972. Sample No. 59538-C.)

This product was contaminated with arsenic and lead.

On November 3, 1937, 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 158 bushels of apples at South Bend, Ind., alleging that the article had been shipped in interstate commerce on or about October 25, 1937, from Paw Paw, Mich., by the Florida Fruit Market to itself at South Bend, Ind., and charging adulteration in violation of the Food and Drugs Act.

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 February 16, 1938, no claimant having appeared, the product was condemned and ordered destroyed.

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

28381. Adulteration of apples. U. S. v. 35 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 41518. Sample No. 361-D.)

This product was contaminated with lead and arsenic.

On January 7, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 30, 1937, by S. Mukai from Provo, Utah, and charging adulteration in violation of the Food and Drugs Act.

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

On January 31, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28382. Adulteration of apples. U. S. v. 542 Boxes of Apples. Product released under bond for reconditioning. (F. & D. No. 41244. Sample Nos. 52403-C, 52316-C, 52317-C.)

A portion of this product was contaminated with arsenic and lead, and the remainder was contaminated with lead.

On December 10, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 542 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped on or about October 18, 1937, by the Associated Growers of British Columbia, from Kelowna, British Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed and Shipped by Kelowna Growers' Exchange, Kelowna British Columbia, Canada Selling Agents Associated Growers of British Columbia."

The article was alleged to be adulterated in that a portion of it contained added poisonous or deleterious ingredients, arsenic and lead, and the remaining portion contained lead, which might have rendered it injurious to health.

On December 22, 1937, the B. C. Fruit Board, having appeared as claimant, the apples were ordered released under bond for reconditioning under the supervision of this Department.

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

28393. Adulteration of apples. U. S. v. 131 Bushels and 308 Bushels of Apples. Product ordered released under bond to be reconditioned. (F. & D. No. 41362. Sample Nos. 9688-C, 9689-C.)

This product was contaminated with lead.

On December 21, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 815 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 14, 1937, by H. B. Long from Twin Falls, Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed for H. B. Long Twin Falls, Idaho."

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

On January 13, 1938, L. Kasviner Fruit Co., Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for reconditioning under the supervision of this Department.

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

28384. Adulteration of apples. U. S. v. 15 Crates of Apples. Default decree of condemnation and destruction. (F. & D. No. 41352. Sample No. 67825-C.)

This product was contaminated with arsenic and lead.

On November 27, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 crates of apples at Kokomo, Ind., alleging that the article had been shipped in interstate commerce on or about November 18, 1937, from Buchanan, Mich., by William Boruff to himself at Kokomo, Ind., and charging adulteration in violation of the Food and Drugs Act.

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

On January 28, 1938, no claimant having appeared, the product was condemned and ordered destroyed.

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

28385. Adulteration of apples. U. S. v. 1,490 Bushels of Apples. Consent decree of condemnation. Product released under bond to be reconditioned. (F. & D. No. 41241. Sample No. 47335-C.)

This product was contaminated with arsenic and lead.

On November 5, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,490 bushels of apples at Vincennes, Ind., alleging that the article had been shipped in interstate commerce on or about October 26, 1937, by the Sherrell Orchard from Mount Carmel, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Sherrell Orchard R. 2 Mr. Carmel Ill."

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

On November 29, 1937, the Citizens Trust Co., Vincennes, Ind., claimant, having admitted the allegations of the libel, the court ordered the product released under bond for the purpose of reconditioning so as to comply with the law, subject to the inspection and approval of this Department prior to any right of sale.

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