

28418. Adulteration of apples. U. S. v. 26 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40979. Sample No. 67715-C.)

This product was contaminated with arsenic and lead.

On November 15, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 8, 1937, from Benton Harbor, Mich., by Frank Dremon to himself at Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "F Alton R-2 Benton Harbor, 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 8, 1937, the shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

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

28419. Misbranding of peanut butter. U. S. v. 200 Cases of Peanut Butter (and 2 other seizures of the same product). Decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 40947, 40996, 41902. Sample Nos. 61245-C, 61247-C.)

This product was short of the declared weight.

On November 30 and December 2, 1937, and March 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 441 cases of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 14 and November 8, 1937, and January 12, 1938, from Jackson, Miss., by the Southland Peanut Products Co., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Southland Peanut Butter Manufactured by Southland Peanut Products Co., New Brockton, Ala. Jackson, Miss."

It was alleged to be misbranded in that the statements, "Net Wt. 16 Ozs." and "Net Wt. Eight Ozs.," borne on the labels were false and misleading and tended to deceive and mislead the purchaser as applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the said statements were incorrect.

On December 14, 1937, and April 14, 1938, Frank H. Murphree, trading as the Southland Peanut Products Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

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

28420. Adulteration and misbranding of oysters. U. S. v. 155 Cans, 1,100 Cans, and 3,100 Cans of Oysters. Default decrees of condemnation and destruction. (F. & D. Nos. 40924, 40925, 40926. Sample Nos. 65551-C, 65554-C, 65555-C.)

This product contained added water and was also short in volume.

On November 26, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 4,355 cans of oysters at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about November 16 and 20, 1937, by J. C. Lore & Sons from Solomons, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality and strength, and in that water had been substituted wholly or in part for the article.

It was alleged to be misbranded in that the statement "One Pint Net," borne on the labels, was false and misleading, and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and in that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.