

on or about March 16, 1937, the defendant had shipped from the State of Florida into the District of Columbia a quantity of fresh cabbage which was adulterated in violation of the Food and Drugs Act.

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

On February 14, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

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

28645. Adulteration of apples. U. S. v. 53 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40335. Sample No. 58825-C.)

This product was contaminated with lead.

On September 9, 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 53 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 8, 1937, from Moorestown, N. J., by J. H. Dennler, 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 September 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28646. Adulteration of cream. U. S. v. 3 Cans of Cream. Consent decree of destruction. (F. & D. No. 40141. Sample No. 42940-C.)

This product was found to be in various stages of decomposition.

On August 6, 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 a libel praying seizure and condemnation of two 5-gallon cans and one 8-gallon can of cream at Millvale, Pa., alleging that the article had been shipped in one-can lots in interstate commerce on or about August 5, 1937, from Elm Grove, W. Va., by Elmer Sheets; from Heaters, W. Va., by M. E. Boyce; and from Byron, W. Va., by Mary Pauls, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On August 6, 1937, the consignee having consented to the entry of a decree, the product was ordered destroyed immediately.

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

28647. Adulteration of cream. U. S. v. 11 Cans of Cream. Consent decree of destruction. (F. & D. No. 40142. Sample No. 42941-C.)

This product was found to be in various stages of decomposition.

On August 6, 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 a libel praying seizure and condemnation of 2 5-gallon cans and 9 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce in various lots on or about August 5, 1937, from Strasburg, Va., by Walter Johnson; from Winchester, Va., by E. J. Snapp; from Petersburg, W. Va., by D. C. Hinkle; from Culpeper, Va., by W. E. Klipstein; from Fairmont, W. Va., by B. F. Tucker; and from Weston, W. Va., by Grant Lowther, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On August 6, 1937, the consignee having consented to the entry of a decree, the product was ordered destroyed immediately.

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

28648. Misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. 41755. Sample No. 11851-D.)

This product was below the grade declared on the label because of excess grade defects.