

31012. Adulteration of apples. U. S. v. 17 Crates and 8 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. Nos. 44446, 44447. Sample Nos. 46079-D, 46081-D.)

This product bore spray residue containing lead and arsenic.

On November 17, 1938, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 crates and 8 bushels of apples at Decatur, Ill.; alleging that the article had been transported by D. H. Jordan on or about November 9, 1938, from Hartford, Mich., to himself at Decatur, Ill.; and charging that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "George T. Otis Bangor, Michigan."

Adulteration was alleged in that the article contained poisonous and deleterious ingredients, namely, arsenic and lead, which might have rendered it harmful to health.

On December 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31013. Misbranding of canned tomatoes. U. S. v. 909 Cases of Canned Tomatoes. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. No. 45578. Sample No. 63089-D.)

This product was substandard because it was not normally colored and was not labeled to indicate that it was substandard.

On or about December 2, 1939, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 909 cases of tomatoes at Greenwood, Miss.; alleging that the article had been shipped by M. M. Craddock Canning Co., from Ripley, Tenn., within the period from on or about August 9 to on or about September 1, 1939; and charging that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Real Food Brand * * * Packed By Lake County Cooperative Association, Ridgely, Tennessee."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the tomatoes were not normally colored and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On December 6, 1939, the Weaver Grocery Co., Greenwood, Miss., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31014. Adulteration of candy. U. S. v. 7 Boxes, et al., of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43302, 43303, 43304, 43305. Sample Nos. 27669-D, 27670-D, 27671-D, 27672-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be insect-infested.

On or about August 23, 1938, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 boxes of candy at Springfield, Ill.; alleging that the article had been shipped on or about January 23, 1938, by Phyleen Candy Co. from Huntington, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part: "Phyleen Delightful Candy Echo Bar [or "Cherry Nut," "Malted Milk," or "Cherry Tit Bit"]."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*