

Issued July 13, 1911.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 946, FOOD AND DRUGS ACT.

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#### ADULTERATION OF EVAPORATED PEACHES.

On or about January 1, 1911, A. B. Seeley & Son, Elizabeth City, N. C., shipped from the State of North Carolina into the State of Maryland nine boxes each containing approximately 50 pounds of evaporated peaches; four of said boxes were labeled "Oro Brand Peaches, Packed by California Fruit Cannery Association at San Jose, Cal." and five of said boxes were labeled "Honey-Suckle Brand Peaches. Packed by California Fruit Cannery Association at San Jose, California." Samples of these products were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the sample from the product labeled "Oro Brand" was found to contain two live beetles while the sample taken from the product bearing the other label was found to contain 20 live and 2 dead beetles and 8 live worms. The peaches contained in both samples were covered with insect excreta of several kinds and sugar mites, and with numerous yeasts. As it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Maryland.

On January 11, 1911, a libel was filed in the District Court of the United States for said district against the said nine boxes of evaporated peaches, charging the above shipment, alleging that the product so shipped was adulterated because it consisted in part of filthy animal and vegetable substances, to wit, beetles, worms, worm excreta, sugar mites, yeasts, and worm-eaten peaches, and praying seizure, condemnation, and forfeiture of the product.

On February 28, 1911, the cause came on for hearing and no claimant to the product having appeared and no answer to the allegations of the above libel having been filed, the court, being

fully informed in the premises, issued its decree finding the product to be adulterated as alleged in said libel, condemning and forfeiting the same to the use of the United States, and ordering its destruction by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 10, 1911.*

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