

**4609. Adulteration of canned apples. U. S. \* \* \* v. 48 Cases \* \* \* of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6939. S. No. E-435.)**

On October 22, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48 cases, each containing 12 cans, of apples, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped, on or about October 8, 1915, from the State of Texas into the State of Pennsylvania, and thereafter transported into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Mountainside Apples, Packed by Musselman Canning Co., Biglerville, Pa., Contain 6 Lbs."

Adulteration of the article was alleged in the libel for the reason that it consisted in particular [part] of a partially filthy, putrid, and decomposed vegetable product.

On November 10, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*