

**6360. Adulteration and misbranding of Jonathan apples. U. S. \* \* \* v. 581 Boxes of Jonathan Apples. Default order for destruction of the unfit portion of the apples and for the sale of those found to be fit for food. (F. & D. No. 456-c.)**

On October 19, 1918, the United States attorney for the District of South Dakota, acting upon a report by the State Food and Drug Commissioner of the State of South Dakota, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 581 boxes of Jonathan apples remaining unsold in the original unbroken packages at Vermillion, S. Dak., alleging that the article had been shipped on October 1, 1918, by the Price-Smith Co., a corporation, Mayview, Mo., and transported from the State of Missouri into the State of South Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding of the article was alleged for the reason that the boxes in which the apples were shipped bore no markings whatever to show the net contents of the boxes in either weight or numerical count.

On October 21, 1918, in pursuance of a prayer contained in said libel, it was ordered by the court that the marshal should sort or cause to be sorted said apples, and destroy the filthy, decomposed, and putrid portion thereof, and that he should immediately cause to be sold that portion that was perishable or which, in his judgment, would become unfit for food prior to the date set for a final determination of the case.

On December 31, 1918, no claimant having appeared for the property, it was ordered by the court that the action of the marshal in destroying the filthy and decomposed portion thereof, and in selling the perishable portion thereof, should be in all things confirmed.

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