

Misbranding was alleged for the reason that the product was sold under the distinctive name of another article, and for the further reason that it was food in package form and did not bear a plain and conspicuous statement of the quantity of contents.

On January 14, 1932, R. L. Wiles & Co., Nashville, Tenn., having appeared as claimant for the property, a decree was entered finding the product misbranded, and ordering that it be released to the said claimant upon the execution of a bond in the sum of \$600, conditioned that claimant pay costs, that the product be labeled "Barley Hulls, malt sprouts and screenings," and with a plain and conspicuous statement of the quantity of the contents, and that it should not be sold or otherwise disposed of contrary to the laws of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19406. Adulteration of dried cling peaches. U. S. v. 163 Boxes of Dried Cling Peaches. Product released under bond to be salvaged. Unfit portion destroyed. (F. & D. No. 27387. I. S. No. 41081. S. No. 5580.)

Samples of dried cling peaches from the shipment herein described having been found to be decayed, dirty, and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On December 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 163 boxes of dried cling peaches, remaining in the original and unbroken boxes at St. Louis, Mo., alleging that the article had been shipped on or about November 2, 1931, by Bonner Packing Co., from Fresno, Calif., and had been transported in interstate commerce from the State of California into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Orchard Run Cling Peaches."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On January 12, 1932, J. W. Teasdale & Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, and the court having found that a portion of the product was fit for human consumption and could be separated from the unfit portion, a decree was entered ordering that the said product be released to the claimant, upon the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, or all other laws, and that the unfit portion be destroyed. It was further ordered that claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19407. Adulteration of celery. U. S. v. 20 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26707. I. S. No. 30739. S. No. 4852.)

Arsenic having been found on samples of celery taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about June 5, 1931, by the Sanford-Oviedo Truck Growers Association (Sanford-Oviedo Truck Growers (Inc.)) from Avon Park, Fla., and had been transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On July 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*