

that the product be reconditioned to contain at least 80 per cent by weight of milk fat. On May 6, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

19842. Adulteration of pecans. U. S. v. 94 Bags of Pecans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28006. I. S. No. 52175. S. No. 6070.)

This action involved the interstate shipment of a quantity of pecans, samples of which were wormy, decomposed, moldy, and rancid.

On or about April 18, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 94 bags of pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 25, 1932, by H. L. Cromartie from Albany, Ga., to Chicago, Ill., 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 consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 12, 1932, F. W. Woolworth Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other laws. The decree further provided that the product be reselected under the supervision of this department in order to separate the bad portion from the good portion. In the process of separation the unfit portion was destroyed by burning.

HENRY A. WALLACE, *Secretary of Agriculture.*

19843. Adulteration of cherries. U. S. v. Webster Smith. Plea of guilty. Fine, \$25. (F. & D. No. 28041. I. S. No. 34432.)

Arsenic was found on samples of cherries taken from the interstate shipment on which this action was based.

On May 12, 1932, 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 the district aforesaid an information against Webster Smith, Germantown, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 16, 1931, from the State of New York into the State of Massachusetts, of a quantity of cherries that were adulterated.

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

On May 31, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HENRY A. WALLACE, *Secretary of Agriculture.*

19844. Adulteration of apple chops. U. S. v. 309 Bags of Apple Chops. Decree of condemnation and forfeiture, with provision for release of product under bond. Amended decree ordering product destroyed. (F. & D. No. 27947. I. S. No. 47023. S. No. 5995.)

This action involved the interstate shipment of a quantity of apple chops, samples of which were found to be decomposed and filthy.

On March 25, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 309 bags of apple chops, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about May 24, 1931, by the Gilbert Apple Products Co., from Brockport, N. Y., to Minneapolis, Minn., 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 consisted in part of a filthy and decomposed vegetable substance.

On May 18, 1932, respondent having filed a claim and answer admitting the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws. On December 28, 1932, the claimant having waived all rights to recondition the product, the court ordered that it be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19845. Misbranding of salad oil. U. S. v. 11 Cans, et al., of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28223. I. S. Nos. 38660, 38661. S. No. 6054.)

This action involved the interstate shipment of two lots of salad oil which consisted principally, if not entirely, of domestic cottonseed oil. The article was labeled so as to convey the impression that it was a foreign product, and sample cans taken from one lot were found to be short volume.

On April 20, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cans of salad oil, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 27, 1932, by the Korbros Oil Co. (Inc.), from Brooklyn, N. Y., to Newark, N. J., and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Contents One Gallon Olio Sicilia Brand." The remainder of the said article was labeled in part: "Lucca Brand Extra Fine Quality Salad Oil."

Misbranding of the Sicilia brand oil was alleged for the reason that the statements on the label, "Contents 1 gallon" and "Olio Sicilia," were false and misleading and deceived and misled the purchaser; for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding of the Lucca brand oil was alleged for the reason that the statement "Lucca Brand" and the design of sprays of olive branches appearing on the label of the product, were false and misleading and deceived and misled the purchaser, and for the further reason that the article purported to be a foreign product when not so.

On May 25, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19846. Misbranding of potatoes. U. S. v. 360 Bags of Potatoes. Product ordered released under bond to be relabeled. (F. & D. No. 27994. I. S. No. 32677. S. No. 6046.)

This action involved the interstate shipment of a quantity of potatoes which were below the grade declared on the label.

On April 9, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 360 bags of potatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 1, 1932, by the Utah Fruit & Vegetable Growers (Inc.), Salt Lake City, Utah, to Kansas City Mo., and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Selected U. S. Number One Potatoes. Utah Fruit and Vegetable Growers Inc., Salt Lake City, Utah." The remainder was labeled in part: "Selected U. S. Number One Big M Brand Potatoes. E. O. Muir and Company, Salt Lake City, Utah."

It was alleged in the libel that the article was misbranded in that the statement on the label, "U. S. Number One," was false and misleading and deceived and misled the purchaser.

On April 14, 1932, the Utah Fruit & Vegetable Growers (Inc.), Salt Lake City, Utah, having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant to be sorted, re-sacked,