

20326. Adulteration of apples. U.S. v. 519 Baskets of Apples. Product ordered released under bond for separation, and destruction of portion unfit for human consumption. (F. & D. no. 29082. Sample no. 6232-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On October 5, 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 519 baskets of apples at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce, on or about September 19, 1932, by H. M. Seymour, from Fall Creek, Ill., to St. Joseph, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grimes Golden U.S. Utility Grown & Packed by H. M. Seymour, Payson, Ill."

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

H. M. Seymour, Payson, Ill., filed a claim and answer admitting the allegations of the libel, and represented that a portion of the product was suitable for consumption as food. On October 27, 1932, the court having found that the unfit portion could be separated from the good portion, a decree was entered ordering the apples released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the portion found unsuitable for human consumption be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20327. Misbranding of red kidney beans. U.S. v. 400 Bags of Red Kidney Beans. Decree of condemnation. Product released under bond to be repacked and weighed. (F. & D. no. 29081. Sample no. 26260-A.)

This action involved the shipment of a quantity of red kidney beans, sample sacks of which were found to contain less than 100 pounds, the declared weight.

On October 18, 1932, the United States attorney for the Eastern District of Louisiana, 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 400 bags of red kidney beans, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 31, 1932, by the Trinidad Bean & Elevator Co., from San Francisco, Calif., to New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Hundred Lbs. When Packed."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Hundred Lbs. When Packed", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article 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 incorrect.

On November 10, 1932, L. H. Hayward & Co., Inc., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 be repacked and weighed and that it should not be sold or disposed of until inspected and found to conform to the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20328. Adulteration of cauliflower. U.S. v. 960 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29083. Sample nos. 8510-A, 20360-A.)

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 3, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 960 crates of cauliflower remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in part on or about September 23 and in part on or about September 26, 1932, by Western Vegetable Distributors, Denver, Colo., and had been transported from the State of Colorado 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 and deleterious ingredient, arsenic, in an amount which might have rendered the article harmful to health.

On October 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20329. Adulteration of canned salmon. U.S. v. 756 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond; unfit portion ordered destroyed. (F. & D. nos. 28936, 28971. Sample nos. 25855-A, 25857-A, 26035-A, 26069-A, 26086-A, 26087-A.)

These actions involved shipments of canned salmon, samples of which were found to be partially decomposed.

On September 26 and October 3, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 756 cases and 113 cartons of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in part on or about September 3, 1932, and in part on or about September 7, 1932, by the Skowl Arm Packing Co., from Skowl Arm, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 20, 1932, the Alaska Salmon Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of bonds in the total sum of \$700, conditioned in part that the decomposed portion be separated from the fit portion. It was further ordered that the portion found fit for human consumption be released and that the decomposed portion be destroyed in the process of separation.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20330. Adulteration of canned salmon. U.S. v. 1,224 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond; unfit portion ordered destroyed. (F. & D. no. 28937. Sample nos. 26036-A, 26103-A, 26108-A.)

This action involved a shipment of canned salmon, samples of which were found to be partially decomposed.

On September 26, 1932, the United States attorney for the Western District of Washington, 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 1,224 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about July 25, 1932, by the Bristol Bay Packing Co., from Naknek, Alaska, to Seattle, Wash., 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 whole or in part of a decomposed animal substance.

On October 20, 1932, the Alaska Salmon Co., 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 delivered to the said claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that the decomposed portion be separated from the fit portion. It was further ordered that the portion found fit for human consumption be released and that the decomposed portion be destroyed in the process of separation.

R. G. TUGWELL, *Acting Secretary of Agriculture.*