

20826. Adulteration of apples. U. S. v. 14 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30440. Sample no. 33576-A.)

This case involved an interstate shipment of apples that were found to bear lead in an amount that might have rendered them injurious to health.

On March 7, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 14 boxes of apples at Wichita Falls, Tex., alleging that the article had been shipped in interstate commerce, on or about January 16, 1933, by the American Fruit Growers, Inc., from Cashmere, Wash., to Wichita Falls, Tex., 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 ingredient, lead, which might have rendered it injurious to health.

On April 7, 1933, 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.*

20827. Adulteration of butter. U. S. v. Briggs Dairy Products Co. Plea of guilty. Fine, \$1 and costs. (F. & D. no. 29336. Sample no. 10351-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 16, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against the Briggs Dairy Products Co., a corporation, Blackwell, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 7, 1932, from the State of Oklahoma into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 8 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat, which the article purported to be.

On December 27, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1 and costs.

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

20828. Adulteration of tullibeas. U. S. v. 100 Boxes of Frozen Tullibeas, et al. Default decrees of condemnation and destruction. (F. & D. nos. 29792, 29955. Sample nos. 4568-A, 27086-A.)

These cases involved interstate shipments of tullibeas that were found to be infested with worms.

On January 18, 1933, 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 a libel praying seizure and condemnation of 100 boxes of tullibeas at Chicago, Ill. On or about March 3, 1933, the United States attorney for the Southern District of Ohio filed a libel against 6,600 pounds of tullibeas at Cincinnati, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce by the Booth Fisheries Co., from Warroad, Minn., that a part had been shipped into the State of Ohio during August 1932, that a part had been shipped into the State of Illinois on or about November 5, 1932, and that the article was adulterated in violation of the Food and Drugs Act.

The libels charged that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

No claim was entered in either case. On April 4, 1933, judgment condemning the fish seized at Chicago, Ill., was entered and the court ordered that it be destroyed by the United States marshal. Decree ordering the destruction of the product seized at Cincinnati, Ohio, was entered April 24, 1933.

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