

City, Idaho (billed at Jerome, Idaho), and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. No. 1 Selected Three Star Brand Idaho Potatoes Packed in Idaho by the Idaho Sales Co., Kimberly, Idaho."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statement on the label, "U. S. No. 1", was false and misleading and tended to deceive and mislead the purchaser.

On May 28, 1934, 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 distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

22539. Adulteration and misbranding of canned succotash. U. S. v. 43% Cartons of Canned Succotash. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32571. Sample no. 67855-A.)

Examination of the product in this case showed that some of the cans contained soaked dry lima beans instead of fresh lima beans and that the cans were badly corroded and the product had a strong metallic flavor.

On April 20, 1934, 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 a libel praying seizure and condemnation of 43% cartons of canned succotash at Orangeburg, N. Y., alleging that the article had been packed by the Frederick City Packing Co., Frederick, Md., and had been shipped in interstate commerce on or about February 17, 1934, from Frederick, Md., by Edwin Smithson Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Es-Co-Ny Selected Full Flavored Succotash * * * Tasty fresh Lima Beans * * * Edwin Smithson Company, Inc. Distributors, New York."

It was alleged in the libel that the article was adulterated in that metallic substances had been mixed and packed with it so as to reduce or lower or injuriously affect its quality.

Misbranding was alleged for the reason that the statements on the label, "Selected Full Flavored Succotash" as applied to succotash of metallic flavor, and "Tasty fresh Lima Beans", as applied to succotash made in part of soaked dry lima beans, were false and misleading and tended to deceive and mislead the purchaser.

On May 10, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22540. Adulteration of evaporated apples. U. S. v. 195 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32595. Sample no. 61819-A.)

This case involved a shipment of evaporated apples that were insect-infested, moldy, and dirty.

On April 26, 1934, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 boxes of evaporated apples at San Antonio, Tex., alleging that the article had been shipped in interstate commerce, on or about March 5, 1934, by Rosenberg Bros. Co., from Oakland, Calif., 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 wholly or in part of a filthy and decomposed vegetable substance.

On May 24, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22541. Misbranding of canned cherries. U. S. v. 310 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32605. Sample nos. 68243-A, 68254-A.)

This case involved a product represented to be pitted cherries which fell below the standard established by this Department because of the presence of excessive pits and which was not labeled to indicate that it was substandard.

On April 26, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 310 cases of cherries at Somerville, Mass., alleging that the article had been shipped in interstate commerce, on or about January 29 and February 27, 1934, by Reid, Murdoch & Co., from Salem, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Monarch Pitted Red Cherries * * * Reid, Murdoch & Co., Chicago, Ill."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because it consisted of partially pitted cherries, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 28, 1934, Reid, Murdoch & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having paid costs of the proceedings to date, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$1,300, conditioned that it be brought into conformity with the law under the supervision of this Department, and that claimant pay all additional costs and expenses.

M. L. WILSON, *Acting Secretary of Agriculture.*

22542. Adulteration of canned mustard greens. U. S. v. 5½ Cases of Canned Mustard Greens. Default decree of destruction. (F. & D. no. 32614. Sample no. 69080-A.)

This case involved a shipment of canned mustard greens that were infested with flies, bugs, insects, and worms.

On April 27, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five and one-half cases of mustard greens at Ardmore, Okla., alleging that the article had been shipped in interstate commerce, on or about March 22, 1934, by the Thrift Packing Co., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Thrift Brand Mustard Greens * * * Thrift Packing Co. Dallas, Texas."

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

On May 31, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22543. Adulteration of butter. U. S. v. 11 Cases of Butter. Default decree of destruction. (F. & D. no. 32630. Sample nos. 61993-A, 61994-A.)

A sample of butter taken from the shipment involved in this case was found to contain mold and other filth, such as flies, rodent hairs, roaches, and ants.

On March 20, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about March 8, 1934, by the Louisville Creamery Co., from Louisville, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Southern Belle Creamery Butter [or "Cresta Creamery Butter"] * * * Distributed by Swift & Co."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 7, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22544. Adulteration of apples. U. S. v. 121 Boxes of Apples. Decree of condemnation. Product released under bond. (F. & D. no. 32633. Sample no. 48764.)

This case involved a shipment of apples which were found to bear arsenic and lead in amounts that might have rendered them injurious to health.