

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.

On April 9, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about March 30, 1934, by the Olympic Warehouse & Cold Storage Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Delicious D. S. Gamble, Brewster, Wash."

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

On May 11, 1934, A. H. Holmes, trading as the Holmes Produce Co., Los Angeles, Calif., claimant, 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 claimant upon the execution of a bond in the sum of \$250, conditioned that it be brought into conformity with the law under the supervision of this Department. On May 24, 1934, the product having been reconditioned, final decree was entered making the release permanent and ordering the bond exonerated upon payment of costs.

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

22545. Misbranding of mixed vegetables. U. S. v. 108 Cases of Mixed Vegetables. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32666. Sample no. 41399-A.)

Examination of the canned mixed vegetables involved in this case showed that the article was not composed of the varieties of vegetables listed and pictured on the label.

On May 3, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 cases of mixed vegetables at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about August 5, 1933, by the Larsen Co., from Green Bay, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "18K Brand Fancy Mixed Vegetables."

It was alleged in the libel that the article was misbranded in that the design on the label, which included prominent pictorial representation of tomatoes, corn, celery, cabbage, and beets, was false and misleading and tended to deceive and mislead the purchaser, since the product consisted essentially of a mixture of carrots, potatoes, and turnips; and in that the statement on the label, "Green beans, carrots, celery, peas, corn, onions, rutabagas, cabbage, potatoes, turnips all are in this can", was false and misleading and tended to deceive and mislead the purchaser since the can contained little or no beans, celery, peas, corn, onions, rutabagas, or cabbage, but consisted essentially of carrots, potatoes, and turnips.

On June 20, 1934, the Winston & Newell Co., Minneapolis, Minn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be relabeled under the supervision of this Department.

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

22546. Misbranding of preserves. U. S. v. 129 Cases of Preserves. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32688. Sample nos. 66604-A, 66605-A.)

This case involved a shipment of assorted preserves. Sample jars taken from the cherry, blackberry, peach, apricot-pineapple, and pineapple were found to contain less than 1 pound, the weight declared on the label.

On May 9, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 129 cases of assorted preserves at Denver, Colo., consigned by the National Fruit Canning Co., alleging that the articles had been shipped in interstate commerce on or about July 15, 1933, from Seattle, Wash., and charging misbranding in violation of the Food and