

23385. Adulteration of apples. U. S. v. 29 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34251. Sample no. 19265-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 9, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bushels of apples at Chicago, Ill., alleging that the article had been transported in interstate commerce, on or about October 1, 1934, by H. K. Cupp, from Stevensville, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Washed Apples Glenn Nichols R-3 Benton Harbor Mich., Stark's Delicious."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On November 13, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23386. Adulteration of apples. U. S. v. 27 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34252. Sample no. 19234-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 4, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bushels of apples at Chicago, Ill., alleging that the article had been transported in interstate commerce, on or about September 28, 1934, by the J. M. Benson Co., from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jonathan Packed by Coloma Orchard Co., Coloma, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On November 8, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23387. Adulteration of apples. U. S. v. 525 Bushels and 528 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond for removal of deleterious ingredients. (F. & D. nos. 34254, 34358. Sample nos. 13762-B, 13763-B, 13797-B, 13798-B.)

Examination of the apples involved in these cases showed the presence of excessive arsenic and lead spray residue.

On or about October 9 and October 19, 1934, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,153 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about September 22 and September 29, 1934, by Geo. W. Haxton & Son., from Barker, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "G. W. Haxton & Son, Oakfield, N. Y."; "McClay-Barker, N. Y."; "A. F. Blood Barker, N. Y."; "W. C. Wolf Baker, N. Y."

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

On November 1, 1934, Thomas S. Smith, trading as Thomas S. Smith & Co., Fennville, Mich., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, judgment of condemnation was entered and it was ordered that the product be released under bond for cleaning and removal of the spray residue under the supervision of this Department.

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