

23950. Misbranding of canned cherries. U. S. v. Henry D. Olson (H. D. Olson). Plea of guilty. Fine, \$25. (F. & D. no. 33796. Sample no. 25760-A.)

This case was based on an interstate shipment of a product which was represented to be canned pitted cherries. Examination showed that it fell below the standard established by this Department, because of the presence of excessive pits, and that it was not labeled to indicate it was substandard.

On December 3, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry D. Olson, trading as H. D. Olson, Ogden, Utah, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 23, 1933, from the State of Utah into the State of Idaho, of a quantity of canned cherries which were misbranded. The article was labeled in part: "Red Sour Pitted Cherries * * * Distributed by H. D. Olson Ogden Utah."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, 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, namely, "Below U. S. Standard", and did not bear the special statement required by such standard for canned pitted cherries containing excessive pits, namely, "Partially Pitted Cherries."

On December 3, 1934, the defendant entered a plea of guilty and on December 7, 1934, a fine of \$25 was imposed.

M. L. Wilson, Acting Secretary of Agriculture.

23951. Misbranding of bone and meat scrap. U. S. v. Norton & Co. Plea of guilty. Fine, \$25. (F. & D. no. 33807. Sample nos. 14144-A, 14145-A.)

This case was based on interstate shipments of bone and meat scrap which contained less protein and more fiber than declared on the label.

On November 15, 1934, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Norton & Co., a corporation, South Washington, Va., alleging shipment by said company in violation of the Food and Drugs Act, between the dates of October 15 and November 9, 1933, from the State of Virginia into the State of Maryland and the District of Columbia, of quantities of bone and meat scrap which was misbranded. The article was labeled in part: "Bone and Meat Scrap Guaranteed Analysis Protein 50% * * * Fibre 2% * * * Manufactured by Norton & Co. Washington, D. C."

The article was alleged to be misbranded in that the statements, "Guaranteed Analysis Protein 50% * * * Fibre 2%", borne on the tag attached to the sack containing the article, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser since it contained less than 50 percent of protein and more than 2 percent of fiber.

On December 4, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. Wilson, Acting Secretary of Agriculture.

23952. Adulteration of apples. U. S. v. 204 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34259. Sample no. 24591-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 5, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 204 bushels of apples at Terra Haute, Ind., alleging that the article had been transported in interstate commerce on or about October 2, 1934, by Glen Findley, from Grand Rapids, Mich., and charging adulteration in violation of the Food and Drugs Act.

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

On December 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.*

23953. Adulteration of apples. U. S. v. 100 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34260. Sample no. 13520-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 5, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bushels of apples at Terra Haute, Ind., alleging that the article had been transported in interstate commerce on or about October 1, 1934, by Herman DeBaun, from Fennville, Mich., and charging adulteration in violation of the Food and Drugs Act.

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

On December 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.*

23954. Adulteration of apples. U. S. v. 30 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34314. Sample no. 24669-B.)

On October 18, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bushels of apples at Memphis, Tenn., alleging that the article had been transported in interstate commerce on or about October 15, 1934, by H. J. Stanbery, from Berrien Springs, Mich., and charging adulteration in violation of the Food and Drugs Act.

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

On December 10, 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.*

23955. Adulteration of apples. U. S. v. 645 Bushels of Apples. Consent decree of destruction. (F. & D. no. 34315. Sample nos. 3394-B to 3397-B, incl.)

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 15, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 645 bushels of apples at Parsons, Kans., alleging that the article had been shipped in interstate commerce on or about September 27, 1934, by the Union Fruit Co., from Paonia, Colo., and charging adulteration in violation of the Food and Drugs Act.

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

The Union Fruit Co., Paonia, Colo., having filed a claim for the product and having admitted the material allegations of the libel, the apples were released under bond conditioned that they be washed to remove the deleterious ingredients. On November 5, 1934, the apples having been re-delivered to the marshal because of inability of the claimant to comply with the requirements for washing, judgment was entered ordering that they be destroyed.

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

23956. Adulteration of apples. U. S. v. 31 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34354. Sample no. 19282-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.