

On March 20, 1935, 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.*

24428. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34802. Sample no. 25815-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 29, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about October 23, 1934, by the Hammond Fruit Co., from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Grown and packed by A. C. Hussey, Coloma, Mich."

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

On March 20, 1935, 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.*

24429. Misbranding of dairy feed. U. S. v. 159 Sacks of Dairy Feed. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 34822. Sample no. 9676-B.)

This case involved a shipment of dairy feed that contained less protein and more fiber than declared on the label.

On January 15, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 159 sacks of dairy feed at Beaver Dam, Wis., alleging that the article had been shipped in interstate commerce on or about August 31, 1934, by the Vitality Mills, Inc., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sweet Honey Bee Dairy Feed Guaranteed Analysis Protein 16% Fibre 12% * * * Manufactured by Vitality Mills, Inc., Chicago, Ill."

The article was alleged to be misbranded in that the statement, "Guaranteed Analysis Protein 16% Fibre 12%", borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing less protein and more fiber than so declared.

On February 4, 1935, the Vitality Mills, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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

24430. Adulteration of tomato paste. U. S. v. 637 Cartons of Tomato Paste. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 34824. Sample nos. 15639-B, 24021-B, 24032-B.)

This case involved canned tomato paste which was in part decomposed.

On January 12, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 637 cartons of tomato paste at Philadelphia, Pa., consigned by the Harbor City Food Corporation, alleging that the article had been shipped in interstate commerce on or about October 29, 1934, from Harbor City, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Il Primo Brand Tomato Paste * * * Packed for Swinger & Binstock, Philadelphia, Pa."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 6, 1935, Paolo Alonge & Bro., Brooklyn, N. Y., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portions be segregated and destroyed.

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