

to Boston, Mass., that it had been returned to the shipper from Boston, Mass., on or about November 5, 1934, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Baxter's Finest Golden Bantam Corn * * * packed in the U. S. A. by H. C. Baxter & Bro. Offices Brunswick, Maine."

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

Misbranding was alleged for the reason that the statement on the label, "Baxter's Finest Fancy Golden Bantam Corn", was false and misleading and deceived and misled the purchaser.

On July 20, 1935, H. C. Baxter & Bro., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the portion containing worms be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25861. Adulteration of canned tuna. U. S. v. 8 and 17 Cases of Canned Tuna. Default decrees of condemnation and destruction. (F. & D. nos. 35471, 35484. Sample nos. 15878-B, 15881-B.)

These cases involved shipments of canned tuna which was in part decomposed.

On May 8 and May 10, 1935, the United States attorney for the District of Arizona, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 8 and 17 cases, more or less, of canned tuna respectively at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce between the dates of October 1, 1934, and April 20, 1935, by Haas Baruch & Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Black and White California Fancy Tuna. Net Contents Three and One Fourth Oz. Haas Baruch and Company, Los Angeles, California, Distributors"; "Quail Brand Tuna Net Contents Three and One Half Ozs. Haas Baruch and Company, Los Angeles, California, Distributors."

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

On September 17, 1935, no claimants having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25862. Alleged adulteration of apple chops. U. S. v. 482 Sacks of Apple Chops. Case tried to the court. Decree dismissing libel and amended libel and releasing article. (F. & D. no. 34551. Sample no. 26334-B.)

This case involved apple chops that were alleged to contain lead and arsenic trioxide, which might have rendered the product injurious to health.

On December 11, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 482 sacks of apple chops at San Francisco, Calif., alleging that the article had been shipped in interstate commerce from Seattle, Wash., to San Francisco, Calif., en route to France, by the Washington Dehydrated Fruit Co. [Washington Dehydrated Food Co.], on or about December 1, 1934, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Importe Des Etas Unis d'Amérique GF 1828 Havre."

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

On December 26, 1934, the Washington Dehydrated Food Co., a corporation, claimant herein, filed an answer to the above libel denying adulteration; and subsequently, an amended libel was filed charging substantially the same facts as the original libel, except that it alleged shipment for exportation to France via Oakland, Calif., and prayed seizure and condemnation of the article at Oakland. On February 26, 1935, the claimant filed an answer to the amended libel again denying that said article was adulterated, and on March 1, 1935, the case came on for trial before the court, a jury having been waived. On March 1, 1935, the court found the article not adulterated and ordered its release to claimant. On March 7, 1935, an order staying execution of the decree was entered, and on or about April 25, 1935, the article was released to the claimant.

W. R. GREGG, *Acting Secretary of Agriculture.*