

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25951-26000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 5, 1936]

**25951. Adulteration of pears. U. S. v. One hundred and sixty 1-Bushel Baskets, more or less, of Pears. Consent decree of destruction. (F. & D. no. 33414. Sample nos. 3661-B, 3662-B.)**

This case involved a shipment of pears which showed the presence of lead in an amount that might have rendered them injurious to health.

On August 14, 1934, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 1-bushel baskets of pears at Mankato, Minn., alleging that the article had been shipped in interstate commerce on or about August 4, 1934, by the Pacific Fruit & Produce Co., Clifton, Colo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or other deleterious ingredient, lead, that might have rendered it injurious to health.

On August 28, 1936, no claimant having appeared, a petition, with the consent of the consignee, was filed requesting that the pears be destroyed at once as a public nuisance, since the article was rapidly decomposing. On August 28, 1936, the consignee having so requested, judgment was entered and the article was ordered destroyed.

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

**25952. Adulteration and misbranding of evaporated apples. U. S. v. Rosenberg Bros. & Co. Plea of guilty. Fine, \$200. (F. & D. no. 33813. Sample no. 62005-A.)**

This case involved an interstate shipment of evaporated apples that contained excessive moisture.

On December 10, 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 an information against Rosenberg Bros. & Co., a corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act, on or about February 13, 1934, from the State of California into the State of Texas of a quantity of evaporated apples that were adulterated and misbranded. The article was labeled: "25 Lbs. Net Weight Magnolia Brand Extra Choice Evaporated Apples Distributed by Rosenberg Bros. & Co. California, U. S. A. Grown and Packed in the U. S. A. Prepared with Sulphur Dioxide."

The article was alleged to be adulterated in that a substance, namely, apples containing excessive moisture, i. e., apples insufficiently evaporated, had been substituted for evaporated apples, which the article purported to be.

The article was alleged to be misbranded in that the statement "Evaporated Apples", borne on the label, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the article was evaporated apples: whereas, in fact, the article was not evaporated apples, but was apples containing excessive moisture, i. e., apples insufficiently evaporated.

On April 9, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$200.

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