

26398. Adulteration of blueberries. U. S. v. 31 3/32 crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38090. Sample no. 8691-C.)

This case involved blueberries that were infested with maggots.

On July 18, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 $\frac{3}{32}$ crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1936, by Paul Saladigo, from McAdoo, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 24, 1936, 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.*

26399. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38091. Sample no. 8700-C.)

This case involved fresh blueberries that were infested with maggots.

On July 20, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of fresh blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 19, 1936, by J. J. Gulick from Mahanoy City, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 24, 1936, 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.*

26400. Adulteration of cherries. U. S. v. 88 Baskets of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38102. Sample no. 9461-C.)

This case involved cherries that contained added poisonous ingredients, arsenic and lead.

On July 23, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 88 baskets of cherries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 21, 1936, by Bert Mallich, from North East, Pa., 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.

On August 14, 1936, 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.*

26401. Misbranding of peanut butter. U. S. v. 185 Cases of Peanut Butter. Decree ordering release of product under bond. (F. & D. no. 38103. Sample no. 3256-C.)

This case involved jars of peanut butter that were short in weight.

On July 29, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 185 cases of peanut butter at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about June 18, 1936, by Southgate Foods, Inc., from Norfolk, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Lynnhaven Brand Peanut Butter Contents 1 Lb., Southgate Foods, Inc. Norfolk, Va."

The article was alleged to be misbranded in that the statement "Contents 1 Lb.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.