

26597. Adulteration of cherries. U. S. v. 3 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38224. Sample no. 5886-C.)

This case involved cherries that were contaminated with arsenic and lead.

On August 5, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1936, by C. Woodward, from Ludington, 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, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26598. Adulteration and misbranding of canned sardines. U. S. v. 3 Cases and 5 Cases of Canned Sardines. Default decrees of condemnation and destruction. (F. & D. nos. 38229, 38321. Sample nos. 7451-C, 16892-C.)

This product contained excessive lead and was short in weight.

On August 28 and September 30, 1936, the United States attorneys for the Western District of New York and the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of three cases of canned sardines at Buffalo, N. Y., and five cases of canned sardines at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce on or about March 21, 1936, by Coehlo Bros., from Providence, R. I. to New York, N. Y., that it subsequently had been reshipped from New York, N. Y., in part to Buffalo, N. Y., and in part to Binghamton, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Skinless and Boneless Portugese Sardines * * * Greatness Brand * * * Packed in Portugal Net Weight 7¾ Ounces."

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

The article was alleged to be misbranded in that the statement "Net Weight 7¾ Ounces", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short-weight and in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On September 28 and November 30, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

26599. Adulteration of crab meat. U. S. v. 1 Barrel, et al., of Crab Meat. Default decree of condemnation and destruction. (F. & D. nos. 38226, 28230. Sample nos. 7971-C, 7975-C.)

These cases involved crab meat that was filthy.

On August 27 and August 29, 1936, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two barrels of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about August 25 and August 26, 1936, by J. M. Clayton Co., from Cambridge, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On October 13, 1936, no claimant appearing, judgments of condemnation were entered and it was ordered that the product be destroyed.

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