

in the case of the loganberry and currant jellies; and sugar, added pectin, acid, and water in the case of the raspberry and strawberry jellies had been mixed and packed with the articles so as to reduce or lower their quality; (2) in that mixtures of fruit juices and said substances containing less fruit juice than jellies should contain had been substituted for jellies, which the articles purported to be; (3) and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statement, "Pure Jelly \* \* \* Blackberry [or "Loganberry", "Red Raspberry", "Currant", or "Strawberry"]," were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling jellies but containing less fruit juice than jellies should contain; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On January 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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

**27053. Adulteration and misbranding of butter. U. S. v. 207 Pounds of Butter. Default decree of condemnation and destruction. (F. & D. no. 38492. Sample no. 19011-C.)**

This butter contained less than 80 percent of milk fat.

On or about September 29, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 207 pounds of butter at Billings, Mont., alleging that it had been shipped in interstate commerce on or about August 8, 1936, by John Morrell & Co., from Sioux Falls, S. Dak., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Yorkshire Farm."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

The article was alleged to be misbranded in that it was labeled "Butter", which was false and misleading since it contained less than 80 percent of milk fat.

On February 5, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**27054. Adulteration of apples. U. S. v. 21 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38509. Sample no. 25622-C.)**

These apples were contaminated with arsenic and lead.

On October 19, 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 21 bushels of Jonathan apples at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about October 11, 1936, by L. Cealka from Stevensville, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "V. A. Mainwaring Hartford, Mich."

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

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**27055. Misbranding of canned peas. U. S. v. 50 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 38523. Sample no. 11645-C.)**

This product fell below the standard for canned peas established by this Department, since the peas were not immature, and it was not labeled to indicate that it was substandard.

On November 9, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned peas at Charlestown, Mass., alleging that the article had been shipped in inter-

state commerce on or about July 22, 1936, from New Freedom, Pa., by Chas. G. Summers, Jr., Inc., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Superfine Brand Early June Peas \* \* \* Chas. G. Summers, Jr., Incorporated Cannery, New Freedom, Pa. Baltimore, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**27056. Adulteration of apples. U. S. v. 9 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. no. 38540. Sample no. 15090-C.)

These apples were contaminated with arsenic and lead.

On October 10, 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 nine baskets of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 6, 1936, by Robert Rudin from Freewater, Oreg., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Jake's Best Packed for and Distributed by Rudin Bros. Inc. St. Louis, Mo. Payette, Idaho."

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

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

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

**27057. Adulteration of apples. U. S. v. 47 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. no. 38541. Sample no. 25649-C.)

These apples were contaminated with arsenic and lead.

On or about October 27, 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 47 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1936, by C. F. Miles from St. Joseph, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A Piontek & Son R-1 Benton Harbor, Mich."

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

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**27058. Adulteration of apples. U. S. v. 159 Crates of Apples. Default decree of condemnation and destruction.** (F. & D. no. 38542. Sample no. 25906-C.)

These apples were contaminated with arsenic and lead.

On October 30, 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 159 crates of apples at Joliet, Ill., alleging that the article had been shipped in interstate commerce, on or about October 25, 1936, by Albert Berard from Hartford, 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, which might have rendered it harmful to health.

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

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