

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28105. Adulteration of apples. U. S. v. 46 Bushels and 15 Crates of Apples. Default decree of condemnation and destruction. (F. & D. No. 40456. Sample Nos. 49420-C, 49421-C.)

This product was contaminated with arsenic and lead.

On September 13, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 bushels and 15 crates of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about August 31 and September 1, 1937, from Benton Harbor, Mich., by Pictor's Open Air Market, of Hammond, Ind., to itself, and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Wealthy * * * Fred Rosenbaum R. 3 Benton Harbor, Mich."

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 October 12, 1937, no claimants having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28106. Adulteration of apples. U. S. v. 34 Baskets and 20 Bushels of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40494, 40501. Sample Nos. 59440-C, 59639-C.)

This product was contaminated with arsenic and lead.

On September 30 and October 9, 1937, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 baskets and 20 bushels of apples at Muscatine, Iowa, alleging that the article had been shipped in interstate commerce on or about September 26 and October 5, 1937, from Benton Harbor, Mich. (hailed by truck of Nelson Graham to himself at Muscatine, Iowa), and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Bertha Bahm Route 2 Watervliet, Mich." The remainder was labeled: "August Lull R Two Benton Harbor, Mich."

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 November 6, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28107. Adulteration and misbranding of macaroni products. U. S. v. 3 Cases of Macaroni, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 38310, 38973 to 38976, incl. Sample Nos. 31233-C, 31234-C, 31236-C, 31237-C, 36101-C to 36106-C, incl.)

These products were colored with annatto. In portions the quantity-of-contents statement was incorrect, indistinct, or inconspicuously placed.

On or about January 23 and June 26, 1937, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 614 cases and 46 cartons of macaroni products at Butte, Mont., alleging that the articles had been shipped in interstate commerce between the dates of October 1, 1936, and January 20, 1937, from Salt Lake City, Utah, by the Western Macaroni Manufacturing Co., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Most of the articles were labeled in part, "Queen's Taste" or "Carnation Brand," together with the various types or shapes "Spaghetti," "Macaroni," "Alphabet," "Fancy Rings," etc. A few lots were labeled "Egg Noodles."

The articles were alleged to be adulterated in that they had been colored in a manner whereby inferiority was concealed. Portions were alleged to be adulterated further in that products containing artificial color, had been substituted in whole or in part for products made from semolina, which they purported to be. The egg noodles were alleged to be adulterated further in that products containing artificial color, a part of which was deficient in eggs, had been substituted for egg noodles, which they purported to be.