

# 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]

28201-28300

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 26, 1938]

**28201. Adulteration of apples. U. S. v. 75 Bushels and 10 Bushels of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40344, 40345. Sample Nos. 43981-C, 43982-C.)

This product was contaminated with lead.

On September 14, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 175 bushels of apples at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about September 1, 1937, from Cornelia and Clarksville, Ga., by Mitchell Alexander and J. D. Mercer, partners trading as Alexander & Mercer, to themselves at Birmingham, Ala., and charging adulteration in violation of the Food and Drugs Act.

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

On October 25, 1937, no claimant having appeared, judgments of condemnation were entered and destruction of the property was ordered.

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

**28202. Adulteration of apples. U. S. v. 168 Boxes and 29 Boxes of Apples. Default decree of condemnation and destruction.** (F. & D. Nos. 40373, 40374. Sample Nos. 37732-C, 37733-C, 37997-C.)

This product was contaminated with lead.

On September 15, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 197 boxes of apples at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 10, 12, and 13, 1937, from Freehold, N. J., by L. N. Applegate, 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 ingredient, lead, which might have rendered it injurious to health.

On October 2, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**28203. Adulteration of apples. U. S. v. 120 Bushels of Apples. Consent decree of condemnation and destruction.** F. & D. No. 40376. Sample No. 56453-C.)

This product was contaminated with arsenic and lead.

On or about September 15, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bushels of apples at Austin, Tex., alleging that the article had been shipped in interstate commerce on or about September 6, 1937, from Springdale, Ark., by Brown Produce Co., and charging adulteration in violation of the Food and Drugs Act.

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

On October 19, 1937, consent having been entered by the owner, E. A. Brown, judgment of condemnation was entered and the product was ordered destroyed.

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

**28204. Adulteration of apples. U. S. v. 31 Baskets and 64 Baskets of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40379, 40380. Sample Nos. 58638-C, 58655-C.)**

This product was contaminated with lead.

On September 22 and 23, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 95 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 18 and 22, 1937, from Moorestown, and Marlton, N. J., by Byron T. Roberts, 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 deleterious ingredient, lead, which might have rendered it harmful to health.

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.*

**28205. Adulteration of prunes. U. S. v. 104 Boxes of Dried Prunes. Default decree of condemnation and destruction. (F. & D. No. 40865. Sample No. 51653-C.)**

This product was insect-infested, moldy, and decomposed.

On November 18, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 boxes of prunes at Walla Walla, Wash., alleging that the article had been shipped in interstate commerce on or about May 28, 1937, by Allen Fruit Co., from Portland, Oreg., 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 insect-infested, moldy, and decomposed prunes.

On December 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28206. Adulteration and misbranding of flour. U. S. v. 240 Bags, 81 Bags, and 68 Bags of Flour. Decrees of condemnation. Product released under bond to be disposed of for purposes other than human food. (F. & D. Nos. 40350, 40363, 40372. Sample Nos. 53440-C, 53441-C, 53442-C.)**

Samples of this product were found to be infested with weevils and other insects. A portion was bleached but its label bore no statement to that effect.

On September 25, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 389 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 20, August 20, and September 2, 1937, from Shawnee, Okla., by the Shawnee Milling Co., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Shawnee Chief Extra High Patent Shawnee Milling Company Shawnee Oklahoma." The remainder was labeled: "Golden Crust Guaranteed Flour \* \* \* Shawnee Milling Co. Shawnee Okla. Bleached." On October 15, 1937, the libels filed against the Shawnee Chief brand were amended to charge that the product was also misbranded.

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

Misbranding of the Shawnee Chief brand was alleged in that it was bleached, although the label contained no statement of such fact.

On October 15, 1937, the Shawnee Milling Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that the portion fit for human consumption be segregated and relabeled and the remainder used for animal feed or for some purpose other than human consumption.

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