

29618. Adulteration of candy. U. S. v. 21 Cartons and 22 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 43342, 43343. Sample Nos. 37945-D, 37946-D.)

This product having been shipped in interstate commerce and remaining unsold in the original packages, was at the time of examination found to be insect-infected.

On August 17, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cartons of candy at Birmingham, Ala.; alleging that the article had been shipped on or about November 10, 1937, by the Fisher Nut Co. from St. Paul, Minn.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On September 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29619. Adulteration of apples. U. S. v. 15 Bushels of Apples. Decree of condemnation and destruction. (F. & D. No. 43811. Sample No. 32740-D.)

This product was contaminated with arsenic and lead.

On August 18, 1938, 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 15 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 9 and 11, 1938, by Emil Dass from Benton Harbor, 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 or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 15, 1938, the consignee having consented to its destruction, judgment of condemnation was entered and the product was ordered destroyed.

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

29620. Adulteration of apples. U. S. v. 33 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 43940. Sample No. 15553-D.)

This product was contaminated with arsenic and lead.

On September 13, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 boxes of apples at Kansas City, Mo.; alleging that the article had been shipped on or about August 20, 1938, by Associated Growers of British Columbia, Ltd., from Kelowna, B. C., Canada; 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, which might have rendered it injurious to health.

On October 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29621. Misbranding of tomatoes. U. S. v. 680 Lugs of Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43878. Sample No. 16819-D.)

This product fell below the standard established by this Department for U. S. No. 1 grade tomatoes because of defects in excess of the tolerance set in the standard.

On September 13, 1938, 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 680 lugs of tomatoes at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 9, 1938, from North East, Pa., by Geo. W. Haxton & Son, Inc., of Oakfield, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Boy Brand U. S. No. 1."

It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to tomatoes that were below U. S. Grade No. 1.