

units shall be untrimmed or trimmed to preserve the normal shape, and that not more than 10 percent shall be crushed or broken; and the label failed to bear, in the manner and form as the regulations specify, a statement that the article fell below the standard.

On October 6, 1943, the Griffin Grocery Co., Oklahoma City, Okla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be brought into compliance with the law by relabeling under the supervision of the Food and Drug Administration.

#### FRESH AND FROZEN FRUIT

Nos. 5714 to 5719 report actions involving apples that bore excessive spray residue containing arsenic or lead, or both.

**5714. Adulteration of apples. U. S. v. 100 Bushels of Jonathan Apples. Decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 10894. Sample No. 43555-F.)

On or about September 17, 1943, the United States attorney for the Western District of Missouri filed a libel against 100 bushels of Jonathan apples at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about August 20, 1943, by Don F. Rau from Springdale, Ark.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health. The article was labeled in part: (Baskets) "Jonathan Apples No. 1 Packed by Lowell Fruit Co., Springdale, Ark."

On October 15, 1943, E. E. Fadler Company, agent for the Lowell Fruit Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by cleansing or peeling under the supervision of the Food and Drug Administration. The apples were satisfactorily reworked and the peelings were destroyed.

**5715. Adulteration of apples. U. S. v. 93 1-Bushel Baskets of Apples. Default decree of condemnation and destruction.** (F. D. C. No. 10804. Sample No. 9851-F.)

On or about September 2, 1943, the United States attorney for the Western District of Louisiana filed a libel against 93 1-bushel baskets of apples at Shreveport, La., alleging that the article had been shipped on or about August 26, 1943, by G. M. Huson of Shreveport, La., from Springdale, Ark.; and charging that it was adulterated in that it contained an excessive amount of arsenic and lead.

On October 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5716. Adulteration of apples. U. S. v. 75 Boxes and 11 Boxes of Apples. Consent decree of condemnation. Product ordered released under bond for salvage.** (F. D. C. No. 11041. Sample Nos. 47133-F, 47136-F.)

On October 16, 1943, the United States attorney for the Northern District of Illinois filed a libel against 86 boxes of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 30, 1943, by Driver & Woodrow, from Wenatchee, Wash.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health. The article was labeled in part: (Box) "Ex Fancy & Fancy \* \* \* Jonathan \* \* \* Ox Team \* \* \* Grown by Wenatchee Wagner Orchards Wagnersburg Washington."

On October 19, 1943, the Riley-McFarland Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for salvage under the supervision of the Food and Drug Administration. On October 20, 1943, an amended decree was entered nunc pro tunc as of October 19, containing identical provisions with the exception that the bond was reduced from \$2,800 to \$700. The product was sold to a pie baker for use in pies, after having been satisfactorily reconditioned.

**5717. Adulteration of apples. U. S. v. 15 Bushels of Jonathan Apples. Default decree of condemnation. Product ordered delivered to a government agency.** (F. D. C. No. 11039. Sample No. 47108-F.)

On October 15, 1943, the United States attorney for the Northern District of Illinois filed a libel against 15 bushels of Jonathan apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September