

4747. Adulteration of dried peaches. U. S. * * * v. 68 Boxes of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7245. S. No. E-561.)

On March 13, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 68 boxes of dried peaches, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the California Dried Fruit Co., San Francisco, Cal., and transported from the State of California into the State of New York, the shipment arriving on or about February 20, 1916, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "J B 16 Halmstadt—12 1/2 kilos for export Valhalla Brand Choice Peaches California Dried Fruit Trading Co., San Francisco, California, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance, particularly in that said article of food was badly fermented and moldy.

On April 18, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*