

3838. Adulteration of prunes, peaches, and currants. U. S. * * * v. 26 Boxes * * * and 1 Box * * * of Prunes, 213 Boxes * * * and 74 Boxes * * * of Evaporated Peaches and 2 Boxes of Currants * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6369. I. S. Nos. 1770-k, 1771-k. S. No. E-229.)

On March 12, 1915, 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 26 boxes, each containing 25 pounds, and 1 box, containing 50 pounds, of prunes, 213 boxes, each containing 25 pounds, and 74 boxes, each containing 50 pounds, of evaporated peaches, and 2 boxes, each containing about 50 cartons of currants, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped during February, 1915, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The prunes were labeled: "25 lbs. net Chariot Brand Prunes, Wm. A. Higgins & Co., New York (Picture of chariot, 3 horses and driver)" (Other end) "W A H N. Y. M." The peaches were labeled: (On 25- and 50-pound wood boxes, on part shipment) "Argo Brand California Choice Peaches Prepared with Sulph. dioxide. Packed by the J. K. Armsby Co. California (new guarantee legend No. 6739) 25 lbs. net when packed" (or "50 lbs.," as the case may be) (On sides) "Armsby's From the Land of Sunshine and Fruits (trade mark) (car number) 516520 2/20" (This label with red background) (On balance of shipment the same label except the change "Argo Brand California Standard Peaches") (These labels of [on] yellow background). The currants were labeled: "Blue Bell Cleaned Currants Packed 11 oz. net" (design) (On ends) "Cleaned Currants" (design) (On sides) "Packed and guaranteed by Wm. A. Higgins & Co., New York" (Then follows statement regarding quality and value of product for food).

It was alleged in the libel that the products were adulterated in violation of section 7, paragraph 6, under the title "Food," of the Food and Drugs Act, in that said products consisted in whole or in part of filthy, decomposed, and putrid vegetable substances, particularly in that said products were covered externally with sugar mites, live and dead, excreta and dead insects, together with their larvæ. The currants in particular to a large extent had been consumed by insects, leaving the boxes filled for the most part with skins, decomposed currants, and excreta.

On April 1, 1915, 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.*

WASHINGTON, D. C., *May 11, 1915.*