19790. Adulteration of apples. U. S. v. 185 Boxes, et al., of Apples. Consent decrees of condemnation and forfeiture. Product released under bond. (11636–A, 11637–A, 11638–A, 11639–A. F. & D. Nos. 28392, 28393, 28394.)

Excessive arsenical spray residue was found on apples taken from the interstate shipments involved in these actions.

On May 18 and May 19, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 585 boxes of apples, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce in part on or about April 29, 1932, and in part on or about April 30, 1932, by the Wenatchee Produce Co., Wenatchee, Wash., to New York, N. Y., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Rose Brand Apples Wenatchee Produce Co. Wenatchee * * * Washington."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous ingredient, arsenic, which might have rendered it injurious to health.

On May 23, 1932, the Hyman & Lieberman-Justman Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling $2,500, conditioned in part that the excessive spray residue be removed so that the article comply with the requirements of the Federal food and drugs act. It was further ordered that any unfit or unwholesome portion be destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

19791. Adulteration of tomato catsup. U. S. v. The Frazier Packing Co. The First National Bank of Marion, Ind., receiver for the Frazier Packing Co., substituted as defendant. Plea of nolo contendere. Fine, $140. (F. & D. No. 26691. I. S. Nos. 8952, 10637, 10857, 10859, 10862, 13520, 13665, 15877, 15880, 15881, 15888, 16376, 19677, 19679.)

This action was based on the interstate shipment of several lots of tomato catsup, samples of which were found to contain excessive mold.

On November 11, 1931, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Frazier Packing Co., a corporation, Elwood, Ind., alleging shipment by said company, in violation of the food and drugs act, in various consignments between the dates of September 23 and November 17, 1930, from the State of Indiana into the States of Pennsylvania, Missouri, Illinois, Ohio, New York, and Texas, of quantities of tomato catsup that was adulterated.

The article was labeled in part, variously: "Tomato Catsup * * * The Frazier Packing Co. Elwood, Indiana;" "Purity Brand High Grade Tomato Ketchup Packed for Spiegel Bros. Co. McKeesport, Pa. * * * ;" "At-Last-A Brand * * * Tomato Catsup Hensgen-Peters-Smith Co., Distributors, St. Louis, Mo.;" "Golden Drip Brand Fancy Tomato Catsup Distributed by Empire Distributing Co. St. Louis, Mo.;" "Sangamo Brand * * * Pure Tomato Catsup * * * Packed for Jageman-Bode Co. Springfield, Ill.;" "Clover Farm Brand * * * Tomato Catsup Distributed by Clover Farm Stores * * * Cleveland, Ohio.;" "Tastwel Brand * * * Tomato Catsup W. W. Harper Co. Zanesville, Ohio;" "White City brand * * * Pure Tomato Catsup Samuel Kunin & Sons, Inc., Distributors Chicago, Ill.;" "Crouse's Crown brand * * * Tomato Catsup Crouse Grocery Co. Distributors Syracuse, N. Y. and Utica, N. Y.;" "Tomato Catsup * * * Packed for Independent Grocers Alliance Distributing Co., Chicago, Illinois, U. S. A."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 20, 1932, the First National Bank of Marion, Ind., receiver for the Frazier Packing Co., having been substituted as party defendant, a plea of nolo contendere was entered and the court imposed a fine of $140.

HENRY A. WALLACE, *Secretary of Agriculture.*