

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 978, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF EVAPORATED APPLES.

On or about April 21, 1910, the F. A. Hihn Company, Santa Cruz, Cal., shipped from the State of California into the Territory of Arizona 17 boxes, each containing approximately 50 pounds of a fruit product labeled: "Extra Fancy Valencia California Apples. F. A. Hihn Company, Santa Cruz or Watsonville, Cal." A sample from this shipment was procured and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and 63 per cent of said sample was found to be worm-eaten, and all of it to contain excreta; in one kilo portion of said sample there were found three live beetles and one worm. As it appeared from the findings of the analyst and report thereon that the shipment was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Territory of Arizona.

On November 21, 1910, a libel was filed in the District Court of the United States for the first judicial district of the Territory of Arizona against the said 17 boxes of evaporated apples, charging the above shipment and alleging that the product so shipped was adulterated because it consisted in part of filthy, decomposed, and putrid animal and vegetable matter; and that it was misbranded because it was labeled as above set forth, when in truth and in fact it did not consist of "Extra Fancy Apples" at all, but was composed largely of stems, cores, and peelings of apples. The libel prayed seizure, condemnation, and forfeiture of the product.

On March 4, 1911, the cause came on for hearing and there having been no appearance on the part of any claimant and no answer having been filed to the allegations of the above libel, the court being fully informed in the premises issued its decree sustaining the allegations of said libel, directing the destruction of the product by the marshal of said district, and assessing the costs of these proceedings upon the consignees thereof.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 21, 1911..*

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