28513. Adulteration of apples. U. S. v. 121 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 40882. Sample No. 67603–C.)

This product was contaminated with arsenic and lead.

On November 2, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 boxes of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 14, 1937, by Horan Bros. from Wenatchee, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown by M. Francies Wenatchee, Wash."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 31, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28514. Misbranding of onions. U. S. v. 500 Sacks of Yellow Onions. Decree of condemnation. Product released under bond for resacking and relabeling. (F. & D. No. 41544. Sample No. 16802–D.)

This product was below the standard declared on the label.

On January 27, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 sacks of onions at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about January 19, 1938, by Geo. W. Haxton & Son, Inc., from Oakfield, N. Y., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "Haxto, U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser, since the article was not of U. S. No. 1 Commercial Standard but was below the said standard, since 11 percent of the onions were less than 1½ inches in diameter and only 20 percent were 2 inches and larger in diameter; whereas U. S. No. 1 Standard requires a minimum size of 1½ inches with a tolerance of only 5 percent for undersize and requires that not less than 40 percent be 2 inches or larger.

On January 29, 1938, Geo. W. Haxton & Son, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released conditioned that it be resacked and relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28515. Adulteration of frozen peas. U. S. v. 99 Cartons of Frozen Peas. Default decree of condemnation and destruction. (F. & D. No. 40885. Sample No. 57504–C.)

Samples of this product were found to be weevil-infested.

On November 19, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cartons of frozen peas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 28, 1937, by M. Nakata Food Products, Inc., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Edelweiss Jumbo Fresh Frozen Peas, John Sexton & Co. Distributors Chicago-Brooklyn."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28516. Adulteration of shelled walnuts. U. S. v. 9 Cartons of Shelled Walnuts. Default decree of condemnation and destruction. (F. & D. No. 40999. Sample No. 60583–C.)

Samples of this product were found to be wormy.

On December 2, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cartons of shelled walnuts at Salt Lake City, Utah, alleging that the article had been shipped in interstate