**25637. Adulteration of apples. U. S. v. 301 Bushels of Apples. Consent decree of condemnation. Product released under bond, conditioned that deleterious substances be removed.** (F. & D. no. 36842. Sample no. 56437–B.)

This case involved a shipment of apples that were contaminated with arsenic and lead spray residue.

On or about November 16, 1935, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 301 bushels of apples at Huntington, W. Va., alleging that the article had been shipped in interstate commerce between the dates of September 26 and October 12, 1935, by James Love, from Proctorville, Ohio, and charging adulteration in violation of the Food and Drugs Act.

The apples were alleged to be adulterated in that they contained added deleterious ingredients, lead and arsenic, which might have rendered them dangerous to health.

On or about November 20, 1935, James Love, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the apples be rewashed in order to remove the deleterious substances.

W. R. Gregg, *Acting Secretary of Agriculture.*

**25638. Adulteration of butter. U. S. v. One Tub of Butter. Default decree of condemnation and destruction.** (F. & D. no. 36843. Sample nos. 30586–B, 42610–B.)

This case involved an interstate shipment of butter that contained rodent hair, insects, and other extraneous matter.

On November 19, 1935, 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 one tub (64 pounds) of butter at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 1, 1935, by Goria Bros., from Roanoke, Va., and that it was adulterated in violation of the Food and Drugs Act.

It was alleged that the article, by reason of containing rodent hair, insects, and other extraneous matter, was adulterated within the provision of the act that an article of food shall be deemed to be adulterated if it consists in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

**25639. Misbranding of butter. U. S. v. 46 Cases of Butter. Product released under bond to be relabeled.** (F. & D. no. 36844. Sample no. 38717–B.)

This case involved a shipment of butter, samples of which were found to be short in weight.

On November 19, 1935, 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 46 cases of butter at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about November 11, 1935, by C. S. Wray, from Afton, Wyo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "1 Lb. Net Monogram Creamery Butter The Cudahy Packing Co., Distributors General Offices, Chicago."

The article was alleged to be misbranded in that the statement on the label, "1 Lb. Net", was false and misleading and deceived and misled the purchaser, since the package contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of its package, since the statement made was not correct.

On November 25, 1935, an order was entered permitting release of the product to the claimant, the Cudahy Packing Co., under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

**25640. Adulteration of butter. U. S. v. 20 Cases of Butter. Default decree of condemnation and destruction.** (F. & D. no. 36845. Sample no. 41807–B.)

This case involved an interstate shipment of butter that contained mold, fragments of insects, mites, tinfoil, and nondescript dirt.