26719. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38574. Sample no. 25631–C.)

This case involved apples that were contaminated with arsenic and lead.

On October 17, 1936, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about October 14, 1936, by the Hammond Fruit Co., of Hammond, Ind., from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Washed Apples Packed by Ruell & Biedenkopf * * * Lacota, Michigan."

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

On December 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26720. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation. Product released under bond conditioned that deleterious substances be removed. (F. & D. no. 38577. Sample no. 30307–C.)

This case involved apples that were contaminated with arsenic and lead.

On November 9, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 756 boxes of apples at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 29, 1936, by the Stadelman Fruit Co., from Odell, Oreg., and charging adulteration in violation of the Food and Drugs Act.

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

On November 10, 1936, the Grovier-Starr Distributing Co., Kansas City, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the apples be released under bond conditioned that the deleterious substances be removed therefrom.

M. L. WILSON, *Acting Secretary of Agriculture.*

26721. Adulteration of apples. U. S. v. 140 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38578. Sample no. 25987–C.)

This case involved apples that were contaminated with arsenic and lead.

On or about November 13, 1936, the United States attorney for the Western District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 bushels of apples located near Neosho, Mo., in possession of Milton Foster, alleging that the article had been shipped from Bangor, Mich., on or about November 5, 1936, and charging adulteration in violation of the Food and Drugs Act. The product had been transported in interstate commerce by Milton Foster in his own truck.

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

On January 5, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26722. Adulteration of butter. U. S. v. Alfred Woodson McAlpine (Western Dairy Products Co.). Plea of guilty. Fine, $50. (F. & D. no. 38585. Sample no. 56221–B.)

This case involved butter that contained less than 80 percent by weight of milk fat.

On December 15, 1936, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alfred Woodson McAlpine, trading as Western Dairy Products Co., McAlester, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 2, 1936,

from the State of Oklahoma into the State of Illinois of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On December 17, 1936, the defendant entered a plea of guilty and the court imposed a fine of $50.

M. L. WILSON, *Acting Secretary of Agriculture.*

26723. Adulteration and misbranding of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction. (F. & D. no. 38700. Sample no. 12524–C.)

This case involved butter which was deficient in milk fat and which contained filth.

On November 13, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce by C. P. Gevedon, from Panama, Ky. (consigned about November 10, 1936), and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923; and in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

The article was alleged to be misbranded in that it was sold and purported to be butter, whereas it should contain not less than 80 percent by weight of milk fat as prescribed by law.

On December 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26724. Misbranding of canned salmon. U. S. v. 600 Cartons of Canned Salmon. Product released under bond to be relabeled. (F. & D. no. 38716. Sample no. 21478–C.)

This case involved canned salmon that was labeled "Pink Salmon", but a part of which consisted of chum salmon.

On November 25, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cartons of canned salmon at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 12, 1936, by Wesco Foods, Inc., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "North Bay Brand Pink Salmon * * * Distributed by Wesco Foods Company General Offices, Cincinnati, Ohio."

The libel alleged that a part of the product was misbranded in that the statement "Pink Salmon", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product which was not pink salmon but which was chum salmon.

On December 23, 1936, the Kroger Grocery & Baking Co., St. Louis, Mo., having appeared as claimant, judgment was entered, finding that a part of the product identified by a certain code mark was mislabeled, and ordering that said mislabeled portion be separated from the remainder and relabeled in conformity with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26725. Misbranding of alfalfa meal. U. S. v. 228 Bags of Alfalfa Meal. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38717. Sample no. 2603–C.)

This case involved alfalfa meal that contained less protein and fat and more fiber than declared on the label.