23336. Adulteration and misbranding of apples. U. S. v. 1,049 Bushel Baskets of Apples. Decree of condemnation and forfeiture. Product ordered relabeled and released. (F. & D. no. 33681. Sample nos. 10555-B, 17847-B.)

This case involved shipments of apples which were below the grade specified on the label.

On October 9, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,049 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 26 and 29, 1934, by O. W. Borden, from Front Royal, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. No. 1 Packed by O. W. Borden, Front Royal, Va."

The article was alleged to be adulterated in that apples below the grade indicated on the label had been substituted for the article.

Misbranding was alleged for the reason that the statement "U. S. No. 1", borne on the label, was false and misleading and tended to deceive and mislead the purchaser.

On October 17, 1934, J. Earle Roberts, Philadelphia, Pa., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be relabeled under the supervision of this Department, and released upon payment of costs by the claimant.

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

23337. Adulteration of canned shrimp. U. S. v. 8 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 33688. Sample no. 6863-B.)

This case involved a shipment of canned shrimp that was decomposed.

On October 15, 1934, the United States attorney for the Southern 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 eight cases of canned shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about September 28, 1934, by the Nassau Packing Co., from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "St. Johns Brand Fresh Shrimp * * * The Nassau Sound Packing Co., Nassauville, Fla."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On November 1, 1934, 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.*

23338. Adulteration of fava beans. U. S. v. 76 Bags of Fava Beans. Consent decree of condemnation and destruction. (F. & D. no. 33689. Sample no. 17534-B.)

This case involved a shipment of fava beans that were insect-infested.

On October 15, 1934, 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 76 bags of fava beans at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 19, 1934, by Adolf Ingoglia, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Fava (Horse Beans) Sunny Italy Brand Grown and Packed by Sunny Italy Produce Co., San Francisco, Calif."

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

On November 22, 1934, the Uddo-Taormina Corporation, Brooklyn, N. Y., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23339. Adulteration of apples. U. S. v. 11 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 33726. Sample no. 13397-B.)

Examination of the apples involved in this case showed the presence of lead and arsenic.