23220. Adulteration of apples. U. S. v. 69 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 33738. Sample no. 17816–B.)

This case involved a shipment of apples which were found to contain lead.

On October 2, 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 69 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 1, 1934, by N. J. Fruit & Produce Co., from Glassboro, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 23, 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.*

23221. Adulteration of potatoes. U. S. v. James E. O'Neil. Plea of guilty. Fine, $25. (F. & D. no. 33773. Sample no. 65677–A.)

This case was based on an interstate shipment of potatoes labeled "U. S. No. 1", which were found to be below the grade represented, because of excessive grade defects.

On October 5, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James E. O'Neil, Idaho Falls, Idaho, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 12, 1934, from the State of Idaho into the State of Illinois, of a quantity of potatoes which were adulterated. The article was labeled in part: "U. S. No. 1 Selected Idaho Three Star Brand * * * Potatoes Packed by 'O'Neil' Idaho Falls, Idaho."

The article was alleged to be adulterated in that potatoes of lower grade than U. S. No. 1 had been substituted for U. S. No. 1 grade potatoes, which the article purported to be.

On October 16, 1934, the defendant entered a plea of guilty and the court imposed a fine of $25.

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

23222. Adulteration of apples. U. S. v. 20 Bushels of Apples. Consent decree of destruction. (F. & D. no. 34412. Sample no. 18179–B.)

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

On September 17, 1934, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of apples at Claremore, Okla., alleging that the article had been shipped in interstate commerce, on or about September 7, 1934, by Earl Lutz, from Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act.

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

On or about September 26, 1934, no claim having been entered and Earl Lutz having waived his right to appear and answer, and having consented that the product be disposed of without further notice to him, judgment was entered ordering that it be destroyed.

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

23223. Adulteration of apples. U. S. v. 12 Bushels of Jonathan Apples. Consent decree of destruction. (F. & D. no. 34413. Sample no. 18247–B.)

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

On September 26, 1934, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bushels of apples at Bartlesville, Okla., alleging that the article had been shipped in interstate commerce, on or about September 23, 1934, by O. Cook, from Rogers, Ark., and charging adulteration in violation of the Food and Drugs Act.