20863. Adulteration of tullibees. U. S. v. 13 Boxes of Fresh Fish (Tullibees). Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29819. Sample no. 28543–A.)

This action involved the interstate shipment of a quantity of tullibees that were found to be infested with worms.

On January 23, 1933, 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 13 boxes of tullibees at Chicago, Ill., alleging that the article had been shipped on or about January 20, 1933, by T. S. Squires, from Warroad, Minn., to Chicago, Ill., 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 consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20864. Adulteration of apples. U. S. v. 756 Boxes of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30010. Sample no. 27096–A.)

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On March 15, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 756 boxes of apples at Cincinnati, Ohio, consigned by the Independent Fruit Shippers, February 28, 1933, alleging that the article had been shipped in interstate commerce, from Wenatchee, Wash., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sno-Fed Brand Apples Independent Fruit Shippers, Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained arsenic and lead, added poisonous or deleterious ingredients.

On March 17, 1933, the M. deGaro Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of $1,700, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20865. Adulteration and misbranding of dried split green peas. U. S. v. 512 Sacks and 50 Sacks of Dried Split Green Peas. Decrees of condemnation and forfeiture. Portion of product released under bond for chicken feed; remainder destroyed. (F. & D. nos. 29859, 29900. Sample no. 21572–A.)

These cases involved certain lots of dried peas that were insect-infested and insect-damaged, contained in sacks not labeled with a statement of the quantity of the contents.

On February 17, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 512 sacks of dried split green peas at Jersey City, N.J. On March 2, 1933, the United States attorney for the Southern District of New York filed a libel against 50 sacks of the same product at New York, N.Y. It was alleged in the libels that the article had been shipped by Charles H. Lilly & Co., from Seattle, Wash., on or about January 7, 1933, that it had been transported from the State of Washington into the States of New Jersey and New York, respectively, and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding was charged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.