

On March 22, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the Federal Food and Drugs Act.

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

22123. Adulteration of dried peaches. U. S. v. 100 Cases of Dried Peaches. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31813-A. Sample no. 45167-A.)

This case involved a shipment of dried peaches which were in part insect-infested and dirty.

On January 5, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 100 cases of dried peaches at Washington, D.C., alleging that the article had been shipped in interstate commerce, on or about December 4, 1933, by Rosenberg Bros. & Co., of San Francisco, Calif., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Approval Brand California Re-cleaned Fancy Peaches."

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

On March 19, 1934, Rosenberg Bros. & 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 \$500, 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.

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

22124. Adulteration of butter. U. S. v. 5 Kegs of Butter. Default decree of condemnation. (F. & D. no. 31814. Sample no. 54475-A.)

This case was based on a lot of butter which was found to contain parts of flies, larvae and eggs of flies, rodent hairs, mold, and other filth.

On January 5, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of five kegs of butter at Washington, D.C., alleging that the article was in possession of the Terminal Refrigerating & Warehousing Corporation, Washington, D.C., stored for Morris Bressler, of Washington, D.C., that it was being offered for sale in the District of Columbia, and that it was adulterated in violation of the Food and Drugs Act.

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

On March 22, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Food and Drugs Act.

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

22125. Adulteration of canned apple butter. U. S. v. 246 Cases of Canned Apple Butter. Default decree of destruction. (F. & D. no. 31817. Sample no. 50488-A.)

This case involved a shipment of canned apple butter which was found to contain segments of the bodies of insects, insect larvae, rodent hairs, and mold.

On or about January 12, 1934, 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 246 cases of canned apple butter at Columbus, Ohio, consigned about October 9 and October 14, 1933, alleging that the article had been shipped in interstate commerce by the Webster Canning & Preserving Co., from Webster, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "New York State Products Pure Apple Butter * * * Packed by Webster Canning & Preserving Co., Webster, N.Y."

It was alleged in substance in the libel that the article was adulterated in that it consisted in part of a filthy substance.

On March 9, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

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

22126. Misbranding of canned tomatoes. U. S. v. 446 Cartons of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31830. Sample nos. 51815-A 51956-A.)

This case involved a shipment of canned tomatoes which contained excessive peel and which were not labeled to indicate that they were substandard.

On January 10, 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 446 cartons of canned tomatoes at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about September 12, 1933, from Clayton, Del., by Thomas Roberts & Co., of Philadelphia, Pa. (manufacturer, W. Lee Wheatley, Clayton, Del.), and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Matawan Brand Tomatoes."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of excessive peel and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On March 6, 1934, Walter L. Wheatley, agent for the owner, R. C. Williams & Co., having filed a claim for the property, 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 \$1,000, conditioned that it be relabeled under the supervision of this Department.

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

22127. Adulteration of canned cherries. U. S. v. 50 Cases of Cherries. Default decree of destruction. (F. & D. no. 31832. Sample no. 59202-A.)

This case involved a shipment of canned cherries which were found to contain maggots.

On January 12, 1934, 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 50 cases of cherries at Joplin, Mo., alleging that the article had been shipped in interstate commerce, on or about November 8, 1933, by the Paulus Bros. Packing Co., from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jack Sprat Brand Royal Anne Cherries, * * * Packed for Jack Sprat Foods, Inc., Marshalltown, Iowa."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 21, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

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

22128. Adulteration of butter. U. S. v. 47 Tubs of Butter. Default decree of condemnation. (F. & D. no. 31833. Sample nos. 54478-A, 54479-A.)

A sample of butter taken from the product involved in this case was found to contain mold, ants, a maggot, rodent and other hairs, a cockroach, segments of the bodies of flies and roaches, metallic filings, and other foreign substances.

On January 10, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 47 tubs of butter at Washington, D.C., alleging that the article was in possession of the Terminal Refrigerating & Warehousing Corporation, Washington, D.C. (stored for M. Holzbeierlein, Washington, D.C.), and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act.