On December 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

236. Adulteration of canned oysters. U. S. v. 100 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 301. Sample No. 43955–D.)

Examination of this product showed the presence of decomposed oysters. It also contained shell fragments which were sharp and capable of inflicting injury in the mouth and many of which were small enough to be swallowed and lodge in the esophagus.

On July 27, 1939, the United States attorney for the Northern District of California filed a libel against 100 cases of canned oysters at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 16, 1939, by Yamate Bros. from New Orleans, La.; and charging that it was adulterated.

Adulteration was alleged in that the article contained a deleterious substance, oyster shell fragments, which might have rendered it injurious to health; in that it consisted wholly or in part of a decomposed substance; and in that a substance, oyster shell fragments, had been substituted wholly or in part for the article and had been mixed and packed therewith so as to reduce its quality.

On November 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

237. Adulteration of canned oysters. U. S. v. 91 Quart Cans of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 1066. Sample No. 70265–D.)

Examination showed that this product contained added water.

On November 24, 1939, the United States attorney for the Middle District of Pennsylvania filed a libel against 91 quart cans of oysters at York, Pa., alleging that the article had been shipped in interstate commerce on or about November 20, 1939, by the Union Fish Co. from Baltimore, Md.; and charging that it was adulterated.

The article was alleged to be adulterated in that a substance, water, had been substituted in part therefor; and in that water had been added to or mixed and packed with it so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On January 8, 1940, no claimant having appeared, judgment of condemnation and destruction was entered.

FRUITS AND VEGETABLES

FRESH FRUITS AND VEGETABLES

Nos. 238 to 273 of this publication report the seizure and disposition of fruit and vegetables which bore spray residue containing arsenic or lead or both arsenic and lead.

238. Adulteration of apples. U. S. v. 192 Baskets of Apples. Default decree of condemnation and destruction. (F. D. C. No. 787. Sample No. 61115–D.)

On or about September 28, 1939, the United States attorney for the Southern District of Mississippi filed a libel against 192 baskets of apples at Jackson, Miss., alleging that the article had been shipped in interstate commerce on or about August 26, 1939, by Brogden & Hazel from Springdale, Ark.; and charging that it was adulterated in that it bore lead arsenate, a poisonous or deleterious substance, which might have rendered it injurious to health.

On November 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

239. Adulteration of apples. U. S. v. 76 Baskets of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 682. Sample No. 65996–D.)

On September 29, 1939, the United States attorney for the Northern District of Alabama filed a libel against 76 bushels of apples at Birmingham, Ala., alleging that the article had been transported in interstate commerce on or about September 27, 1939, by Polk Bros. from Menlo, Ga.; and charging adulteration in that the article contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On November 7, 1939, the owner having consented, judgment of condemnation was entered and the product was ordered destroyed.