

district libels praying the seizure and condemnation of 344 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the New Central Canning Co. (Inc.), on or about October 24, 1924, in part from Buena Park, Calif., and in part from Los Angeles, Calif., and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Kitty Brand" (or "Angel Brand") "Tomato Paste Salsa Di Pomodoro Packed By New Central Canning Co. Inc. Buena Park, Cal."

Adulteration of the article was alleged in the libels for the reason that a substance, an artificially-colored tomato paste or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce [Paste]" was false and misleading and deceived and misled the purchaser.

On December 16, 1924, the New Central Canning Co. (Inc.), claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by placing the statement "Artificially Colored" conspicuously on the labels.

W. M. JARDINE, *Secretary of Agriculture.*

**12984. Adulteration and misbranding of tomato sauce or paste. U. S. v. 249 Cases and 33 Cases of Tomato Paste. Decrees of condemnation. Product released under bond to be relabeled.** (F. & D. Nos. 19190, 19376. I. S. Nos. 22635-v, 22645-v. S. Nos. C-4539, C-4569.)

On or about November 24, and December 11, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 282 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Hershel California Fruit Products Co., in various consignments, in part from San Jose, Calif., on or about September 30, and October 10, 1924, respectively, and in part from San Francisco, Calif., on or about November 30, 1924, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce \* \* \* Packed By Hershel Cal. Fruit Prod. Co. Packers Of Contadina Brand San Jose, Cal."

Adulteration of the article was alleged in the libels for the reason that an artificially-colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," appearing in the labeling, was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared upon the label.

On December 16 and 17, 1924, respectively, the Hershel California Fruit Products Co. (Inc.), San Jose, Calif., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by placing the statement "Artificially Colored" conspicuously on the labels.

W. M. JARDINE, *Secretary of Agriculture.*

**12985. Adulteration and misbranding of tomato paste. U. S. v. 1,142 Cases of Tomato Paste. Decree of condemnation. Product released under bond to be relabeled.** (F. & D. No. 19415. I. S. No. 22682-v. S. No. C-4584.)

On December 22, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,142 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the La Sierra Heights Canning Co., from Los Angeles, Calif., on or about November 15, 1924, and transported from the State of California into

the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Deer Tomato Paste \* \* \* Salsa Di Pomodoro Packed By La Sierra Heights Canning Co. Arlington, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Paste" and "Di Pomodoro," appearing in the labeling, were false and deceived and misled the purchaser.

On December 24, 1924, the La Sierra Heights Canning Co., Arlington, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by placing the statement "Artificially Colored" conspicuously on the labels.

W. M. JARDINE, *Secretary of Agriculture.*

**12986. Misbranding of meat scraps. U. S. v. 18 Sacks of Meat Scraps. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 18859. I. S. No. 16687-v. S. No. E-4900.)

On July 26, 1924, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 sacks of meat scraps, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Norfolk Tallow Co., from Norfolk, Va., May 15, 1924, and transported from the State of Virginia into the State of South Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Notalco Extra Quality Meat Scraps \* \* \* Guaranteed Analysis Protein Min. 55% \* \* \* Manufactured by Norfolk Tallow Co. Norfolk, Va."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis Protein Min. 55%," appearing in the labeling, was false and misleading and deceived and misled the purchaser.

On December 15, 1924, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**12987. Misbranding of butter. U. S. v. 12 Cases of Butter. Judgment for the Government. Product released to claimant to be repacked and relabeled.** (F. & D. No. 18415. I. S. No. 7316-v. S. No. C-4297.)

On February 25, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cases of butter, at Mobile, Ala., alleging that the article had been shipped by the Meriden Creamery Co., from Kansas City, Mo., February 4, 1924, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping case) "From The Meriden Cry. Co., Kansas City, Mo."; (carton) "Meadow Cream Pure Creamery Butter One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the following statement appearing on the cartons, "Meadow Cream Pure Creamery Butter One Pound Net," was false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On March 11, 1924, the Haas-Davis Packing Co., Mobile, Ala., having appeared as claimant for the property, judgment was entered for the Govern-