

ing its condemnation and forfeiture, and it was further 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be labeled "Artificially Colored" in conspicuous type.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13075. Adulteration of canned string beans. U. S. v. 1,000 Cases of String Beans. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19151. I. S. Nos. 22790-v, 22791-v. S. No. C-4529.)

On November 11, 1924, the United States attorney for the Eastern District of Missouri, 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 1,000 cases of string beans, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Appleby Bros., Hiwasse, Ark., on or about July 28, 1924, and transported from the State of Arkansas into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Western Star Put Up By Appleby Bros. Fayetteville, Ark. * * * Cut String Beans."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 29, 1925, Appleby Bros., Fayetteville, Ark., having entered an appearance as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, finding the product liable to condemnation and forfeiture, 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 \$3,200, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13076. Adulteration and misbranding of tomato paste. U. S. v. 237 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19437, 19438. I. S. No. 22800-v. S. No. C-4587.)

On December 26, 1924, the United States attorney for the Eastern District of Missouri, 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 237 cases of tomato paste, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Hershel California Fruit Products Co., San Jose, Calif., on or about September 12, 1924, and transported from the State of California into the State of Missouri, 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 libel 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 on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato paste or sauce containing artificial color not declared upon the label.

On February 4, 1925, V. Viviano & Bros., Macaroni Mfg. Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*