

**13283. Adulteration and misbranding of grey shorts. U. S. v. 400 Sacks of Grey Shorts. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19567. I. S. No. 6312-v. S. No. C-4633.)**

On or about February 10, 1925, the United States attorney for the Eastern District of Arkansas, 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 400 sacks of grey shorts, at Little Rock, Ark., alleging that the article had been shipped by the Kansas Flour Mills Co., from Kansas City, Mo., on or about December 31 1924, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. when packed Wheat Grey Shorts & Screenings, not exceeding 8 per cent Screenings \* \* \* Licensed and Registered by the Kansas Flour Mills Company, Kansas City, Missouri."

Adulteration of the article was alleged in the libel for the reason that a substance, brown shorts, had been substituted wholly or in part for the said article, and in that it had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the designation "Wheat Grey Shorts" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 21, 1925, the Thibault Milling Co., Little Rock, Ark., having appeared as claimant for the property 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled: "Wheat Brown Shorts and Ground Screenings."

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

**13284. Adulteration and misbranding of assorted jellies. U. S. v. 35 Cases, et al., of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction entered with respect to portion of products. Remainder released under bond to be relabeled. (F. & D. Nos. 17762, 17763, 17764, 17843. I. S. Nos. 1161-v to 1172-v, incl., 1174-v to 1179-v, incl., 15008-v to 15013-v, incl. S. Nos. E-4478, E-4479, E-4480, E-4497.)**

On September 7 and 27, and October 4, 1923, respectively, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying the seizure and condemnation of 35 cases and 51 cartons, each case and carton containing 3 dozen jars, of assorted jellies, at Washington, D. C., alleging that the articles were being offered for sale and sold in the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the articles were labeled in part: (Jar) "Queen Brand Pure Apple Jelly Prepared By S. J. Van Lill Co. Baltimore, Md.," and bore a design showing fresh whole apples. The remainder of the said articles bore the same labeling except that the statement "Pure Apple Jelly" was qualified by the statements "Currant Flavor," "Grape Flavor," "Strawberry Flavor," "Blackberry Flavor," or "Raspberry Flavor," as the case might be.

Adulteration of the articles was alleged in the libels for the reason that substances, to wit, pectin jellies, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted in whole and in part for pure fruit jellies, which the articles purported to be.

Misbranding was alleged for the reason that the statements "Pure Apple Jelly," "Pure Apple Jelly Grape Flavor," "Pure Apple Jelly Blackberry Flavor," "Pure Apple Jelly Currant Flavor," "Pure Apple Jelly Strawberry Flavor," and "Pure Apple Jelly Raspberry Flavor," together with the design showing two fresh whole apples, borne on the jars containing the respective products, were false and misleading, in that the said statements, designs, and devices represented to purchasers that the articles were pure fruit jellies of the flavors designated, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure fruit jellies of the flavors designated, whereas they were not but

were apple pectin jellies with little or no flavor. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles, to wit, pure fruit jellies.

On August 7, 1924, the S. J. Van Lill Co., Baltimore, Md., having appeared as claimant in three cases involving 37 cartons and 35 cases of the products, decrees of the court were entered, ordering that the said portion be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$300, in conformity with section 10 of the act, conditioned in part that the jellies be properly labeled and inspected by this department before sale or other disposition. On September 22, 1924, no claimant having appeared in the remaining case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 3 cartons of jellies actually seized be destroyed by the United States marshal.

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

**13285. Adulteration and misbranding of canned tomatoes. U. S. v. 434 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19464. I. S. No. 17221-v. S. No. E-5095.)**

On January 5, 1925, 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 the seizure and condemnation of 434 cases of canned tomatoes, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia by the H. M. Wagner Co., Inc., Washington, D. C., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Willard Brand Tomatoes \* \* \* Packed By Delaware Packing Co. Wilmington, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, small pieces of tomato (machine crushed tomatoes) and tomato skins had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statement "Tomatoes," which was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On February 24, 1925, the H. M. Wagner Co., Inc., Washington, D. C., 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,600, in conformity with section 10 of the act.

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

**13286. Misbranding and alleged adulteration of tomato paste. U. S. v. 50 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19192. I. S. No. 20351-v. S. No. E-3266.)**

On November 26, 1924, the United States attorney for the Eastern District of New York, 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 50 cases, each containing 200 cans, of tomato paste, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Greco Canning Co., Inc., from San Jose, Calif., November 12, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "De Luxe Concentrated Tomato Sauce" or "Concentrated Tomato Concentrate di Pomodoro De Luxe Brand," (Can) "De Luxe Brand Concentrated Tomato Pulp Packed By Greco Canning Co. San Jose \* \* \* Cal."

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

Misbranding was alleged for the reason that the designation "Concentrated Tomato Pulp," appearing on the can labels, and the statements "Concentrated Tomato Sauce" and "Concentrated Tomato," as the case might be, appearing