

On April 1, 1930, the Planters Cotton Oil & Fertilizer Co., Rocky Mount, N. C., having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be relabeled to meet the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17358. Adulteration and misbranding of tomato paste. U. S. v. 24 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24207. I. S. No. 021816. S. No. 2438.)

On November 4, 1929, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 cases of tomato paste, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Davis Canning Co., from Laurel, Del., on or about September 18, 1929, and transported from the State of Delaware into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Salsa di Pomodoro al Basilico Uso Napoli Marca Colombina Brand Pure Tomato Paste with Basil * * * Distributed and Guaranteed by Colombina Products Corporation, Laurel, Delaware."

It was alleged in the libel that the article was adulterated in that an artificially colored tomato paste had been substituted in part for pure tomato paste which the said article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Salsa di Pomodoro * * * Pure Tomato Paste," was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing undeclared artificial color.

On April 10, 1930, the International Importing Co. (Inc.), having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17359. Misbranding of canned grapefruit. U. S. v. 50 Cases of Canned Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24714. I. S. No. 024541. S. No. 3060.)

On April 8, 1930, 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 seizure and condemnation of 50 cases of canned grapefruit, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the La Isabella Grove Co., from San Juan, P. R., on or about April 3, 1930, and transported from Porto Rico into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Fruits of California Packed at San Jose, Santa Clara County, California, by the San Jose Fruit Packing Company;" (can) "Packed where Grown Specially for San Jose Fruit Packing Company, San Jose, California."

It was alleged in the libel that the article was misbranded in that the statements, "Fruits of California, * * * Packed at San Jose, Santa Clara County, California, by the San Jose Fruit Packing Co., San Jose, California," borne on the label, were false and misleading and deceived and misled the purchaser when applied to grapefruit grown and packed in Porto Rico. Misbranding was alleged for the further reason that the article was misbranded as to State of origin, was intended for export to a foreign country, and was not labeled so as to show that it was intended for export and prepared or packed according to specifications or directions of the foreign purchaser, nor had it been established by the shipper that the article was so prepared or packed.

On May 6, 1930, the California Packing Corporation (Inc.), a California corporation, 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 costs and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled so that it comply with the requirements of the Federal food and drugs act and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17360. Misbranding of flour. U. S. v. 370 Sacks, et al., of flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24702. I. S. Nos. 029996, 029997. S. No. 3036.)

On April 2, 1930, the United States attorney for the Western 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 seizure and condemnation of three hundred and seventy 24-pound sacks and two hundred and ninety-five 48-pound sacks of flour, remaining in the original unbroken packages at Lake Arthur, La., alleging that the article had been shipped by the Wichita Mill & Elevator Co., Wichita Falls, Tex., on or about March 13, 1930, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Wichita Mill and Elevator Co. Baker's Pride * * * Wichita Falls, Texas. Bleached 24 Pounds [or "48 pounds"]."

It was alleged in the libel that the article was misbranded in that the statements "24 pounds" and "48 pounds," borne on the labels of the respective sized sacks, were false and misleading and deceived and misled the purchaser, since the said sacks contained less than the weight indicated thereon. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the statements as to weight were incorrect.

On April 21, 1930, the Wichita Mill & Elevator Co., Wichita Falls, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be repacked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17361. Misbranding of cottonseed screenings. U. S. v. 320 Sacks of Cottonseed Screenings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24168. I. S. No. 020463. S. No. 2396.)

On or about October 19, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 320 sacks of cottonseed screenings, remaining in the original unbroken packages at Riley, Kans., alleging that the article had been shipped by the Humphreys Godwin Co., from Commerce, Tex., on or about October 10, 1929, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Bull Brand Cottonseed Meal Analysis Protein 43% Made from Pressed Cottonseed for Humphreys Godwin Company, Memphis, Tenn., Dallas, Tex."

It was alleged in the libel that the article was misbranded in that the statement, "Protein 43%," was false and misleading and deceived and misled the purchaser to believe that the article contained not less than 43 per cent of protein, whereas it contained less than 43 per cent of protein. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 18, 1929, the Commerce Oil Mill Co. (Inc.), Commerce, Tex., 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 costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled to show the true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*