

Ill., on or about January 9, 1932, and had been transported in interstate commerce from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Egg Yolks * * * Rothenberg and Schneider Brothers, * * * Chicago, Ill."

It was alleged in the libel that the article was adulterated in that a substance, sugar, had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Egg Yolks," was false and misleading and deceived and misled the purchaser.

On April 2, 1932, Rothenberg & Schneider Bros. (Inc.), Chicago, Ill., 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 for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000 conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19742. Adulteration of tomato catsup. U. S. v. 115 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27799. I. S. No. 43844. S. No. 5828.)

This action was based on the interstate shipment of a quantity of tomato catsup, samples of which were found to contain excessive mold.

On March 2, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 115 cases of tomato catsup, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Greenabaum Bros. (Inc.), from Seaford, Del., in part on or about January 20, 1932, and in part on or about February 4, 1932, and had been transported from the State of Delaware into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Ideal Brand * * * Tomato Catsup Wilkinson, Gaddis & Co., Distributors, Newark, New Jersey."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 5, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19743. Adulteration of apples. U. S. v. 756 Boxes of Apples. Consent decree entered ordering product released under bond to be cleaned. (F. & D. No. 28015. I. S. No. 54358. S. No. 6077.)

Arsenic and lead spray residue having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On April 14, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped in interstate commerce by the Wenatchee Produce Co., from Wenatchee, Wash., on or about March 31, 1932, and had been transported from the State of Washington into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) "Rose Brand Apples, Wenatchee Produce Co."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On April 18, 1932, Hyman & Lieberman-Justman (Inc.), New York, N. Y., claimant, having filed a stipulation admitting the truth of the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the property, judgment was entered ordering that the product be released to claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that it be cleaned to remove the excessive arsenic and lead

spray residue, and should not be sold or disposed of contrary to provisions of the food and drugs act and all other laws. It was further ordered by the court that upon failure to comply with the terms of the decree and bond the product be destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

19744. Adulteration of canned tomatoes. U. S. v. 525 Cases of Canned Tomatoes. Product released under bond to be salvaged and unfit portion destroyed. (F. & D. No. 28022. I. S. No. 53942. S. No. 6080.)

Samples of canned tomatoes taken from the shipment involved in this action were found to be underprocessed and partially decomposed.

On April 15, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 525 cases of canned tomatoes, remaining in the original unbroken packages at Jefferson Barracks, Mo., alleging that the article had been shipped in interstate commerce, on or about October 7, 1931, by the Gypsum Canning Co., from Port Clinton, Ohio, to Jefferson Barracks, Mo., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Ottawa Chief Brand Tomatoes * * * Packed by the Gypsum Canning Co., Port Clinton, Ohio."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

The Gypsum Canning Co., Port Clinton, Ohio, entered an appearance and filed a claim and answer, admitting the allegations of the libel. On April 29, 1932, the court having found that the portion of the product which was fit and suitable for human consumption could be separated from the unfit portion, a decree was entered ordering that the product be released to the claimant, upon the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, and all other laws; that the portion found unsuitable for sale and consumption as food be destroyed and that claimant pay costs of the proceedings.

HENRY A. WALLACE, *Secretary of Agriculture.*

19745. Adulteration and misbranding of canned tomato catsup. U. S. v. 16½ Cases of Tomato Catsup. Default decree ordering that the product be relabeled and disposed of by the United States. U. S. v. 340 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 27796, 27797. I. S. Nos. 29068, 43883. S. No. 5872.)

Examination of the canned tomato catsup involved in these actions showed that the article contained an added gum-like substance.

On February 29, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 356½ cases of canned tomato catsup at New York, N. Y., alleging that the article had been shipped in interstate commerce by California Conserving Co. (Inc.), from San Francisco, Calif., on or about December 31, 1931, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Gresham Brand Tomato Catsup * * * Packed by California Conserving Co., Incorporated, San Francisco. [In almost illegible type] Contains 1/10 of 1% Benzoate of Soda."

It was alleged in the libels that the article was adulterated in that a substance, tomato catsup containing undeclared added foreign gum, had been substituted for the article.

Misbranding was alleged for the reason that the statement "Tomato Catsup" was false and misleading and deceived and misled the purchaser, and for the further reason that the product was offered for sale and was sold under the distinctive name of another article.

On April 28, 1932, default was noted in the case involving 16½ cases of the product and it was ordered by the court that the article be relabeled to show the presence of added gum and delivered to a Government agency. On May 31, 1932, the California Conserving Co. (Inc.), San Francisco, Calif., claimant for the remainder of the product, 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 said portion of the product be delivered to the claimant upon payment of costs and the execu-