

19940. Adulteration of tomato catsup. U. S. v. 115 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 27725. I. S. No. 41339. S. No. 5688.)

This action involved interstate shipment of a quantity of tomato catsup, samples of which were found to contain excessive mold.

On February 8, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 115 cases of tomato catsup, remaining in the original unbroken packages at Arkansas City, Kans., alleging that the article had been shipped in interstate commerce on or about June 25, 1931, by the Ray A. Ricketts Co., from Canon City, Colo., to Arkansas City, Kans., and charging adulteration in violation of the food and drugs act. The libel later was amended to cover 115 cases of the product.

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

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation 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.*

19941. Adulteration and misbranding of canned frozen eggs. U. S. v. 17 Cans of Frozen Eggs. Default decree of destruction entered. (F. & D. No. 27963. I. S. No. 52264. S. No. 6008.)

This action involved the interstate shipment of a quantity of canned frozen eggs, samples of which were found to be partially decomposed.

On March 29, 1932, the United States attorney for the Eastern District of Michigan, 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 17 cans of frozen eggs at Detroit, Mich., alleging that the article had been shipped in interstate commerce February 25, 1931, by the Fairmont Creamery Co., from Green Bay, Wis., to Detroit, Mich., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fancy Fairmonts Frozen Fresh Eggs Mixed Whole Eggs."

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

Misbranding was alleged for the reason that the statement on the label, "Fancy * * * Fresh Eggs," was false and misleading and deceived and misled the purchaser.

On June 9, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19942. Adulteration and misbranding of evaporated apples. U. S. v. 62 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27740. I. S. Nos. 37235, 37236, 37237. S. No. 5793.)

This action involved the interstate shipment of quantities of evaporated apples. Samples taken from portions of the article were found to contain excessive moisture; sample packages examined from the remainder were found short of the declared weight.

On February 12, 1932, the United States attorney for the Northern District of Florida, 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 62 cases of evaporated apples, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped in interstate commerce on or about November 17, 1931, by W. H. Packard, from Medina, N. Y., to Pensacola, Fla., and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Orleans Brand Evaporated Apples Packed By W. H. Packard, Rochester, N. Y." The remainder was labeled in part: (Shipping package) "50-6 oz. Cartons Thanksgiving Brand Evaporated Apples Packed By W. H. Packard, Medina, N. Y.;" (carton) "6 oz. Net Weight."

Adulteration of the Orleans brand was alleged for the reason that excessive moisture, which had been mixed and packed with the article so as to reduce

and lower and injuriously affect its quality, had been substituted in part for evaporated apples, which the article purported to be.

Misbranding of the said Orleans brand was alleged for the reason that the statement "Evaporated apples" was false and misleading and deceived and misled the purchaser, when applied to evaporated apples containing excessive moisture, and for the further reason that the article was offered for sale under the distinctive name of another product. Misbranding of the Thanksgiving brand apples was alleged for the reason that the statements on the cartons, "6 oz. net weight * * * when packed," and on the shipping packages, "50-6 oz. Cartons," were false and misleading and deceived and misled the purchaser. Misbranding of the said Thanksgiving brand apples 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 packages contained less than represented.

On June 11, 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.*

19943. Adulteration of canned sweetpotatoes. U. S. v. 230 Cases of Canned Sweetpotatoes. Default decree of destruction. (F. & D. No. 28021. I. S. No. 52973. S. No. 6079.)

This action was based on the interstate shipment of a quantity of canned sweetpotatoes, samples of which were found to be partly decomposed.

On April 15, 1932, the United States attorney for the District of Minnesota, 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 230 cases of canned sweetpotatoes, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about November 21, 1931, by the John W. Taylor Packing Co., from Hallwood, Va., to St. Paul, Minn., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Serv-Well Brand Sweet Potatoes."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance, and was unfit for food.

On June 11, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19944. Adulteration and misbranding of tomato catsup. U. S. v. 44 Cases of Tomato Catsup. Default decree of destruction. (F. & D. No. 28004. I. S. No. 50808. S. No. 6065.)

This action was based on the interstate shipment of a quantity of tomato catsup, samples of which were found to contain excessive mold. Certain cans examined also were found to be short of the declared weight.

On April 14, 1932, the United States attorney for the Western 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 44 cases of tomato catsup at Albany, Mo., alleging that the article had been shipped in interstate commerce on or about November 25, 1931, by the Currie Canning Co., from Grand Junction, Colo., to Kansas City, Mo., and reshipped on or about November 30, 1931, to Albany, Mo., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Mesa Brand Tomato Catsup Weight of Contents 11 Ozs. * * * Packed by the Currie Canning Co. Grand Junction, Colo."

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

Misbranding of the article was alleged in that the statement on some of the cans, "Weight of Contents 11 Ozs.," was false and misleading and deceived and misled the purchaser, and for the further reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on some of the cans was incorrect.