

19961. Adulteration and misbranding of canned tomato catsup. U. S. v. 9% Cases of Canned Tomato Catsup. Decree ordering release of product for relabeling. (F. & D. No. 28237. I. S. No. 54360. S. No. 6111.)

This action involved the interstate shipment of a quantity of canned tomato catsup, samples of which were found to contain added gum.

On April 23, 1932, the United States attorney for the Southern District of New York, 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 nine and one-sixth cases of canned tomato catsup at New York City, N.Y., alleging that the article had been shipped in interstate commerce on or about April 8, 1932, by Alfred Lowry & Bro., from Philadelphia, Pa., to New York, N.Y., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Kiltie Brand Tomato Catsup Contains 1% of 1% Benzoate of Soda * * * Distributors Alfred Lowry & Bro., Philadelphia, Pa."

It was alleged in the libel that the article was adulterated in that a substance, tomato catsup containing added gum, had been substituted in whole or in part for the article.

Misbranding of the article was alleged for the reason that the statement "Tomato Catsup" was false and misleading and deceived and misled the purchaser, when applied to an article containing added gum. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article.

On June 21, 1932, no formal appearance or claim having been entered, upon the filing of an affidavit by the United States attorney showing that the goods were the property of a United States agency, the court ordered that the product be relabeled under the supervision of this department to show the presence of added gum, and released to the owner.

HENRY A. WALLACE, *Secretary of Agriculture.*

19962. Adulteration of alimentary pastes. U. S. v. 29 Cases of Alimentary Pastes. Default decree of destruction entered. (F. & D. No. 28295. I. S. No. 32275. S. No. 6165.)

This action involved the shipment of a quantity of alimentary pastes that were found to be artificially colored with a yellow color simulating egg, but with no egg present.

On May 10, 1932, the United States attorney for the District of Utah, 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 29 cases of alimentary pastes, remaining in the original and unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about February 11, 1932, by Gragnano Products, (Inc.) from San Francisco, Calif., to Salt Lake City, Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Packages) "Manufactured by Gragnano Products, Inc., San Francisco, California. Semolina Spaghetti [or "Macaroni" or "Seashells"]."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

On July 1, 1932, no claimant having appeared for the property, a decree was entered adjudging the product to be adulterated, and ordering that it be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19963. Adulteration and misbranding of canned tomato paste. U. S. v. Bruno Bisceglia (Bisceglia Bros.). Plea of guilty. Fine, \$20. (F. & D. No. 28080. I. S. Nos. 28427, 30538.)

This action involved the interstate shipment of quantities of canned tomato paste, samples of which were found to contain undeclared artificial color.

On July 2, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Bruno Bisceglia, a member of a copartnership trading as Bisceglia Bros., San Francisco, Calif., alleging shipment by said defendant, in part on or about November 4, 1930, and in part on or about April 21, 1931, in violation of the food and drugs act, from the State of California into the State of Massachusetts, of quantities of canned tomato paste that was adulterated and misbranded. A portion of the article was labeled in part: (Cans) "Carmen