

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

On December 15, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20611. Adulteration of eggs. U. S. v. 57 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 29174. Sample no. 7841-A.)

This action involved the shipment of a quantity of eggs, examination of which showed the presence of decomposed eggs.

On November 1, 1932, the United States attorney for the District of Puerto Rico, 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 57 cases of eggs, remaining in the original and unbroken packages at San Juan, P. R., alleging that the article had been shipped on or about September 24, 1932, from Galveston, Tex., to San Juan, P. R., by J. H. McLeaish & Co., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 10, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20612. Adulteration of canned salmon. U. S. v. 385 Cases, and 150 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation of and denaturing the decomposed portion.** (F. & D. no. 29122. Sample nos. 22553-A to 22558-A, incl.)

This action involved the interstate shipment of quantities of canned salmon that was found to be in part decomposed.

On October 26, 1932, the United States attorney for the Eastern District of Virginia, 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 535 cases of canned salmon, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped on or about September 9, 1932, by C. F. Buelow Co., Inc., from Seattle, Wash., to Richmond, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Spot Lite Brand Pink Salmon \* \* \* C. F. Buelow Company, Incorporated, Seattle, U. S. A."; "Home Spun Brand Pink Alaska Salmon."

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

On December 8, 1932, Robert M. Smith & Co., Richmond, Va., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered. The court having found that a portion of the salmon was not adulterated, ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that the decomposed portion be segregated and denatured so that it could not be used for food purposes.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20613. Adulteration of canned salmon. U. S. v. 398 Cases of Canned Salmon. Default decree of condemnation and destruction.** (F. & D. nos. 29287, 29288. Sample nos. 16176-A, 16177-A, 16249-A, 16250-A.)

This action involved the interstate shipment of quantities of canned salmon, samples of which were found to be decomposed.

On November 11, 1932, the United States attorney for the District of Nebraska, 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 398 cases of canned salmon at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about September 17, 1932, by C. F. Buelow Co., Inc., from Seattle, Wash., to Omaha, Nebr., and charging

adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Spot Lite Brand Pink Salmon \* \* \* C. F. Buelow Co. Inc., Seattle."

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

On January 4, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20614. Adulteration of cauliflower. U. S. v. 7 Crates, et al., of Cauliflower. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29268, 29639. Sample nos. 18876-A, 18880-A.)**

These actions involved the interstate shipment of two lots of cauliflower that bore poisonous or deleterious ingredients in amounts which might have rendered the article injurious to health, one lot having been found to bear arsenic, and the other arsenic and lead.

On or about October 20 and October 29, 1932, the United States attorney for the Northern District of Texas, 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 7 crates and 2 crates of cauliflower, remaining in the original packages at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about October 6 and October 12, 1932, by the Hartner Produce Co., from Denver, Colo., to Fort Worth, Tex., and charging adulteration in violation of the Food and Drugs Act. Twenty crates of cauliflower were seized under the 2 libels, 7 under the former and 13 under the latter.

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients which might have rendered the product injurious to health, namely, arsenic in one lot and arsenic and lead in the other.

On January 3, 1933, the Bergman Produce Co. Fort Worth, Tex., having appeared and consented to the destruction of the goods and no other claim having been interposed, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20615. Alleged adulteration and misbranding of tomato paste. U. S. v. 469 Cases of Tomato Paste. Appearance and claim entered. Tried to a jury. Verdict for claimant. Libel dismissed and product ordered released to claimant. (F. & D. no. 28769. Sample no. 13396-A.)**

This case involved an interstate shipment of a product, sold as tomato paste, that consisted of a tomato product that had not been concentrated to the consistency of a paste, and that contained less than 22 percent of tomato solids.

On August 22, 1932, the United States attorney for the Eastern District of Louisiana, 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 469 cases of tomato paste remaining in the original unbroken packages at New Orleans, La. On January 24, 1933, the libel was corrected by amendment. It was alleged in the amended libel that the article had been shipped in interstate commerce on or about July 13 and July 16, 1931, by Angelo Glorioso, from Crystal Springs, Miss., to New Orleans, La., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Eltoro Brand Color Added Tomato Paste." A portion was further labeled: "Packed \* \* \* By Angelo Glorioso, Crystal Springs, Miss."

It was alleged in the libel that the article was adulterated in that an insufficiently concentrated strained tomato product had been substituted for tomato paste.

It was further alleged in the libel that the statement on the label, "Tomato Paste", was false and misleading and deceived and misled the purchaser, and that the article was offered for sale under the distinctive name of another article.