

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.