

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 cans of tomato catsup at Cincinnati, Ohio, alleging that the article had been shipped in part on or about April 27, 1932, from New York City, N.Y., and in part on or about May 25, 1932, from Landisville, N.J., by Francis H. Leggett & Co., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Unicorn Tomato Catsup. Francis H. Leggett & Co., Distributors, New York."

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On January 30, 1933, the claim of Francis H. Leggett & Co., the sole intervenor, having been withdrawn, judgment of condemnation and forfeiture was entered, and the court ordered that the product be destroyed by the United States marshal.

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

20655. Misbranding of canned pimientos. U. S. v. 5 Cases of Canned Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29165. Sample no. 16702-A.)

This action was based on the interstate shipment of a quantity of canned pimientos, sample jars of which were found to contain less than the declared weight.

On November 5, 1932, the United States attorney for the Middle District of North Carolina, 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 five cases of canned pimientos, remaining in the original packages at Winston-Salem, N.C., alleging that the article had been shipped in interstate commerce on or about August 12, 1932, by the Sumter Packing Co., Inc., from Sumter, S. C., to Winston-Salem, N. C., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sumter Brand Sweet Red Pimientos, Contents 7 Ozs. Packed by the Sumter Packing Co., Inc., Sumter, S. C."

It was alleged in the libel that the article was misbranded in that the statement "Contents 7 Ozs." was false and misleading and deceived and misled the purchaser. Misbranding 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 package, since the quantity stated was incorrect.

On January 16, 1933, 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.

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

20656. Adulteration of canned mixed vegetables. U. S. v. 8 Cases and 5 Cases of Canned Mixed Vegetables. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28518, 28519. Sample nos. 8365-A, 8366-A.)

These actions involved interstate shipments of canned mixed vegetables that were in part decomposed.

On July 26, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 13 cases of canned mixed vegetables, remaining in the original unbroken packages at Lebanon, Pa., alleging that the article had been shipped in interstate commerce, on or about June 4 and June 7, 1932, by the Phillips Packing Co., from Cambridge, Md., to Lebanon, Pa., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Castle Haven Brand Mixed Vegetables." The remainder was labeled in part: (Can) "Phillips Delicious Mixed Vegetables."

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

On January 18, 1933, no claimant having appeared for the property, 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.*