

**20664. Adulteration of blue poppy seed, cumin seed, and mustard seed. U. S. v. 4 Bags of Blue Poppy Seed, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 28708, 28709, 28858. Sample nos. 1585-A, 1586-A, 1587-A, 1770-A.)

These actions involved interstate shipments of quantities of blue poppy seed, cumin seed, and mustard seed that contained rodent excreta. The cumin seed was also insect-infested.

On August 17, 1932, and September 10, 1932, the United States attorney for the District of Oregon, 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 4 bags of blue poppy seed, 1 bag of cumin seed, and 5 bags of mustard seed, remaining in the original unbroken bags at Portland, Oreg., alleging that the articles had been shipped in interstate commerce on or about March 17, 1931, April 17, 1931, and June 1, 1932, respectively, by the Atlantic Sales Corporation, from Philadelphia, Pa., to Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the articles were adulterated in that they consisted in whole or in part of filthy vegetable substances.

On January 13, 1933, and February 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

**20665. Adulteration of pears. U. S. v. 20 Boxes of Pears. Default decree of condemnation and destruction.** (F. & D. no. 29716. Sample no. 25834-A.)

This action involved the interstate shipment of a quantity of pears that were found to bear arsenate of lead in an amount which might have rendered the article injurious to health.

On October 28, 1932, the United States attorney for the District of Montana, 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 20 boxes of pears at Helena, Mont., alleging that the article had been shipped in interstate commerce on or about September 23, 1932, by Ira Cleveland, from Yakima, Wash., to Helena, Mont., and charging adulteration in violation of the Food and Drugs Act. The boxes were labeled in part: "Fancy D'Anjou. Packed and Shipped by Roche Fruit & Produce Co., Yakima, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which might have rendered the article injurious to health.

On December 29, 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.

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

**20666. Adulteration and misbranding of canned tomato paste. U. S. v. 3 Cases of Tomato Paste. No claim entered. Verdict for the Government. Decree of condemnation and destruction, with provision that goods might be delivered to a charitable institution.** (F. & D. no. 28681. Sample no. 13303-A.)

This action involved the interstate shipment of a product represented to be tomato paste, but which consisted of a tomato product insufficiently concentrated to be designated as tomato paste. Examination also showed that certain of the cans were short weight.

On August 19, 1932, the United States attorney for the Western 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 3 cases of tomato paste at Alexandria, La., alleging that the article had been shipped in interstate commerce, on or about June 28, 1930, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., to Alexandria, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. On August 23, 1932, an amended libel was filed, praying that the original libel be changed to read "Thirty cases" instead of "three cases", which amendment was allowed. The article was labeled in part: "Buffalo Brand Tomato Paste \* \* \* Net Contents 5 Ounces. Packed by Uddo-Taormina Corp. New Orleans, La."