

22414. Adulteration of canned tomato paste. U. S. v. 50 Cases and 50 Cases of Canned Tomato Paste. Default decrees of condemnation and destruction. (F. & D. nos. 32261-A, 32261-B. Sample nos. 68189-A, 68190-A.)

These cases involved shipments of tomato paste that contained excessive mold.

On March 7, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of tomato paste at Boston, Mass. On March 9, 1934, the United States attorney for the District of Rhode Island filed a libel against 50 cases of tomato paste at Providence, R. I. It was alleged in the libels that the article had been shipped in interstate commerce, on or about January 20, 1934, by the Italian Food Products Co., Inc., from Long Beach, Calif., and had been transported into the States of Massachusetts and Rhode Island, and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: (Can) "Campania Brand Concentrated Tomato Paste * * * Packed by Italian Food Products Co., Inc., Long Beach, California." The remainder was labeled: (Can) "Berta Brand Pure Tomato Paste * * * Packed for Alba Products Co., Boston, Mass."

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

On April 7 and June 25, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22415. Misbranding of prepared mustard. U. S. v. 187 Cases of Mustard. Product released under bond to be relabeled. (F. & D. no. 32265. Sample no. 39326-A.)

Sample jars of mustard taken from the shipment involved in this case were found to contain less than 2 pounds, the labeled weight.

On March 10, 1934, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 187 cases of mustard at Columbia, S. C., alleging that the article had been shipped in interstate commerce, on or about February 12, 1934, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mid-West Brand Pure Prepared Mustard Contents 2 Lbs. Made by Mid-West Food Packers, Inc., Fowlerton, Ind."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 2 Lbs.", 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 statement made was incorrect.

On April 19, 1934, no claim or answer having been filed, judgment of condemnation and destruction was entered. Subsequently the Britt-Johnson Co., Columbia, S. C., appeared and filed a bond and petitioned that the judgment be set aside and that petitioner be allowed to relabel the product. On April 25, 1934, the case was reopened and the court ordered that the product be released to the claimant, and that upon proof that it had been properly relabeled and upon payment of costs, the judgment of destruction be annulled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22416. Misbranding of canned vegetables. U. S. v. 68 Cases of Canned Vegetables. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32275. Sample no. 66584-A.)

Sample cans of vegetables taken from the shipment involved in this case were found to contain less than 15 ounces, the labeled weight.

On March 10, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 cases of canned vegetables at Denver, Colo., consigned by La Choy Food Products, Inc., Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about August 22 and November 25, 1933, from Detroit, Mich., and charging misbranding

in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Contents 15 Oz. La Choy * * * Vegetables La Choy Food Products, Inc. Detroit, Mich."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 15 Oz.", was false and misleading and deceived and misled the purchaser; and for the further reason that it 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 statement made was incorrect.

On April 3, 1934, La Choy Food Products, Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$549.44, conditioned in part that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22417. Misbranding of canned cherries. U. S. v. 10 Cases of Red Sour Pitted Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32286. Sample no. 44093-A.)

Sample cans of cherries taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 10, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of canned cherries at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about January 2, 1934, by the Alton Canning Co., Inc., from Alton, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Contents 1 lb. 4 ozs. * * * packed by Alton Canning Co., Alton, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 lb. 4 ozs.", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it 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 statement made was incorrect.

On April 17, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22418. Adulteration of dried peaches. U. S. v. 200 Boxes of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32290. Sample no. 43209-A.)

This case involved a shipment of dried peaches which contained dead worms, insect cocoons and webbing, worm holes, and insect excreta.

On March 9, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 boxes of dried peaches at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 3, 1934, by the Consolidated Packing Co., from San Francisco, Calif., 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 vegetable substance.

On April 30, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22419. Misbranding of beer. U. S. v. 750 Cartons of Misbranded Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32292. Sample no. 60461-A.)

This case involved a shipment of beer, samples of which were found to contain 6.25 percent of alcohol by volume. The article was misbranded since the term "12½%", which was prominently displayed on the main bottle label and neck label, conveyed the impression that the beverage contained 12½