

22427. Adulteration of tomato puree. U. S. v. 100 Cans of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32339. Sample no. 67369-A.)

This case involved an interstate shipment of tomato puree which was found to contain excessive mold.

On March 20, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cans of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 3, 1932, by the Marysville Packing Co. from Marysville, Ind., into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B. & O. Brand Puree of Tomatoes * * * Packed by Marysville Packing Co. Marysville, Ind."

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

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.*

22428. Misbranding of honey. U. S. v. 69½ Cartons, et al., of Honey. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32342, 32406. Sample nos. 66979-A, 66985-A.)

Sample jars of honey taken from the shipments involved in these cases were found to contain less than the declared weight.

On March 9, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69½ cartons of honey at Newark, N. J. On March 21, 1934, a libel was filed against 26 cartons of honey at Jersey City, which was subsequently amended to cover 29½ cartons of the product. It was alleged in the libels that the article had been shipped in interstate commerce, on or about August 24, 1933 and September 20, 1933, by Honey Packers, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Carlton Brand Cooperative Association, Cont. 20 Ozs. Pure Honey Newark Wholesale Grocery Co., Inc., Distributors, Newark, New Jersey." The remainder was labeled: "Filigree Brand Pure Honey Fancy Quality Net Weight 14 Ozs. Packed for Hudson Wholesale Grocery Co. Jersey City, N. J."

The libels charged that the article was misbranded in that the statements, "Cont. 20 Ozs." and "Net Weight 14 Ozs.", appearing on the labels, were false and misleading and tended to deceive and mislead 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 11, 1934, the cases having been consolidated into one cause of action, and Honey Packers, Inc., claimant, having admitted the allegations of the libels and consented to the entry of a decree, 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 \$400, conditioned that it be properly relabeled.

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

22429. Misbranding of strawberry and raspberry preserves. U. S. v. 65 Cases and 52 Cases of Preserves. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32343. Sample nos. 65131-A, 65132-A.)

Sample jars of preserves taken from the shipments involved in this case were found to contain less than 2 pounds, the declared weight.

On March 17, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 cases of strawberry preserves and 52 cases of raspberry preserves at Milwaukee, Wis., alleging that the articles had been shipped in interstate commerce on or about August 16, September 1, and September 20, 1933, by Oelerich & Berry Co., from Chicago, Ill., and charging misbranding in violation of the Food and

Drugs Act as amended. The articles were labeled in part: "Hawkeye Brand, Net Weight, Two Lbs * * * Oelerich and Berry Co., Chicago, Ill."

It was alleged in the libel that the articles were misbranded in that the statement on the label, "Net Weight Two Lbs.", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On April 3, 1934, Oelerich & Berry, Inc., having appeared as claimant for the property, 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 bond in the sum of \$500, conditioned that they be relabeled.

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

22430. Misbranding of pecan meats. U. S. v. 9¼ Cases of Funsten's Pecan Meats. Decree providing for release of product under bond or for destruction. (F. & D. no. 32344. Sample no. 61641-A.)

Sample cans of pecan meats taken from the shipment involved in this case were found to contain less than 8 ounces, the declared weight.

On March 17, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine and one-fourth cases of Funsten's pecan meats at Miles City, Mont., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, and November 27, 1933, by the R. E. Funsten Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Funsten's Shelled Pecans * * * Net weight eight oz."

It was alleged in the libel that the article was misbranded in that the statement "Net weight eight oz." was false and misleading and tended to mislead the purchaser since the contents of the package was less than 8 ounces. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a true statement of the quantity of the contents plainly and conspicuously marked on the outside of the package.

On May 23, 1934, no claim or answer having been filed, and the court having found that the allegations of the libel were true, judgment was entered ordering that the product might be released if claimant appear and pay costs and file a good and sufficient bond, conditioned that it would not be sold or disposed of in violation of the Food and Drugs Act; and upon failure to file said bond that the product be destroyed.

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

22431. Adulteration of tomato puree. U. S. v. 460 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32345. Sample no. 60864-A.)

This case involved a shipment of tomato puree that contained excessive mold.

On March 16, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 460 cases of tomato puree at Cincinnati, Ohio, consigned on or about November 14, 1933, alleging that the article had been shipped in interstate commerce by the Henryville Canning Co., from Henryville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Villa Tomato Puree * * * The Cincinnati Wholesale Grocery Co., Distributors."

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

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.*

22432. Adulteration of butter. U. S. v. 1 Box of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32353. Sample no. 62794-A.)

This case involved a shipment of butter that contained filth.

On February 14, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 box of