

court a libel praying seizure and condemnation of 211 cases of tomatoes at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about February 16, 1934, by the Johnson Canning Co., from Johnson, Ark., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cream of the Valley Brand Tomatoes \* \* \* Johnson Canning Co., \* \* \* Johnson, Ark."

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

On June 12, 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.*

**22750. Adulteration of tomato puree. U. S. v. 3,200 Dozen Cans of Tomato Puree. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 32516. Sample no. 67786-A.)**

This case involved a shipment of tomato puree, samples of which were found to contain mold.

On April 9, 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 3,200 dozen cans of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 12 and November 6, 1933, by the North East Preserving Works, Inc., from North East, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Connoisseur Tomato Puree \* \* \* Packed for Jules Weber Incorporated, New York."

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

On June 8, 1934, the North East Preserving Works, Inc., claimant, having admitted the allegations of the libel and having 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 \$3,000, conditioned that the unfit portion be segregated and destroyed or denatured, under the supervision of this Department.

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

**22751. Adulteration and misbranding of confectionery. U. S. v. 36 Boxes of Confectionery. Default decree of forfeiture and destruction. (F. & D. no. 32521. Sample no. 65856-A.)**

This case involved a product labeled "Cordials (Not a Confection)." The article was in fact confectionery containing alcohol.

On April 11, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 boxes of confectionery at Danville, Ill., alleging that the article had been shipped in interstate commerce on or about March 31, 1934, by C. A. Stagg, from Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained spirituous liquor.

Misbranding was alleged under the provisions of the law relating to food, in that the statement on the label, "Cordial (Not a Confection)", was false and misleading and tended to deceive and mislead the purchaser.

On July 6, 1934, no claimant having appeared for the property, judgment of 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.*

**22752. Adulteration of apple butter. U. S. v. 50 Cases, et al., of Apple Butter. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 32522, 32523, 32524. Sample nos. 1101-A, 1102-A, 1103-A.)**

These cases involved interstate shipments of apple butter that was found to contain arsenic and lead.

On April 9, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the