

22896. Adulteration of tomato paste. U. S. v. 75 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32390. Sample nos. 61745-A, 61760-A.)

This case involved tomato paste that contained excessive mold.

On March 19, 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 75 cases of tomato paste at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about December 26, 1933, and January 27, 1934, by the Italian Food Products Co., Inc., from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tomato Paste Mariuccia * * * Packed by Italian Food Products Co., Inc., Long Beach, Calif."

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 3, 1934, on petition of the intervenor, an order was entered permitting the taking of samples of the stock. On September 7, 1934, no answer having been filed, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

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

22897. Adulteration of canned sardines. U. S. v. 47 Cases and 253 Cases of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32401, 32442. Sample nos. 41997-A, 72252-A, 72253-A, 72256-A.)

These cases involved shipments of canned sardines that were in part decomposed.

On April 2 and April 5, 1934, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 300 cases of canned sardines at Denver, Colo., consigned by the California Packing Corporation, alleging that the article had been shipped in interstate commerce, on or about October 4, 1933, from Alameda, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Del Monte Brand California Sardines, California Packing Corp. Main Office San Francisco, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 8, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

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

22898. Adulteration of canned sardines. U. S. v. 10 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32408. Sample no. 62720-A.)

This case involved a shipment of canned sardines that were in part decomposed.

On March 21, 1934, the United States attorney for the Western 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 10 cases of canned sardines at Rochester, N. Y., consigned by the California Packing Corporation, San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about November 4, 1933, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Madison's Ideal Brand California Sardines * * * California Packing Corporation, Main Office, San Francisco, Calif."

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

On September 24, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

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

22899. Misbranding of grape sugar, assorted wine flavors. U. S. v. 600 Packages of Grape Sugar, Assorted Flavors, Dry Type Wine Taste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32417. Sample no. 59250-A.)

This case involved products represented to be grape sugar flavored with various wine flavors, but which consisted of artificially flavored and artificially

colored corn sugar with a small proportion of concentrated grape juice. The product was also short weight.

On March 23, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 packages of grape sugar, assorted wine flavors, at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about February 1, 1934, by Grapesugar, Ltd., from Burbank, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Misbranding of the articles was alleged in that the statements on the label, "Grapesugar Sauterne [or "Zinfandel", "Muscatel", "Port", "Sherry", or "Burgundy"] Flavor * * * Wine Taste Directions for Wine Net Wt. 1 lb.," were false and misleading and tended to deceive and mislead the purchaser, since they consisted of artificially flavored and artificially colored corn sugar with a small proportion of concentrated grape juice, and since they were short weight. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles, 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 package, since the statement made was incorrect.

On September 21, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the products was ordered.

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

22900. Adulteration of tomato catsup. U. S. v. 587 Cases of Tomato Catsup. Default decree of destruction. (F. & D. no. 32520. Sample no. 41350.)

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

On April 10, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an amended libel (original libel filed April 9, 1934) praying seizure and condemnation of 587 cases of tomato catsup at St. Paul, Minn., alleging that the article had been shipped in interstate commerce, on or about March 10, 1934, by the Frazier Packing Corporation, from Elwood, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Frazier's Supervine Tomato Catsup * * * Frazier Packing Corp., Elwood, Indiana."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On August 27, 1934, no claimant having appeared, judgment was entered ordering destruction of the product.

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

22901. Adulteration and misbranding of Chinese noodles. U. S. v. 15 Cases of Chinese Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32582, Sample no. 71306-A.)

This case involved a shipment of Chinese noodles that were found to contain excessive moisture and to be short weight.

On April 23, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of Chinese noodles at Wenatchee, Wash., alleging that the article had been shipped in interstate commerce on or about April 12, 1934, by the Republic Noodle Factory, from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Red Triangle Brand Chinese Noodles."

The article was alleged to be adulterated in that a product containing excessive moisture had been substituted for the said article.

Misbranding was alleged in that the statement, "net weight six ozs.," was false and deceived and misled the purchaser, and, further, in that it was 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 August 25, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

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