

article was labeled in part: "Sunsweet Nature Flavored Tree Ripened Prunes, * * * California Prune and Apricot Growers Association, San Jose, Calif."

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

On February 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24444. Adulteration and misbranding of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35030. Sample no. 21570-B.)

This case involved canned tomato paste that contained excessive mold and which was colored with artificial color which was not conspicuously declared on the label.

On or about January 30, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of tomato paste at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about November 26, 1934, by the Brocton Preserving Co., from Brocton, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fedora Italian Style Tomato Paste * * * Salsa Pura Di Pomodoro Harmless Color Added Packed by Brocton Preserving Co. Brocton, New York."

The article was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed, and in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements, "Tomato Paste" and "Salsa Pura Di Pomodoro", were false and misleading and tended to deceive and mislead the purchaser when applied to artificially colored tomato paste, and this misbranding was not corrected by the inconspicuous vertical declaration, "Harmless Color Added", appearing on one side panel of the label.

On April 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24445. Adulteration of canned mackerel. U. S. v. 23 Cases of Canned Mackerel. Default decree of condemnation and destruction. (F. & D. no. 35031. Sample no. 12783-B.)

This case involved canned mackerel that was in part decomposed.

On February 6, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of canned mackerel at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 17, 1935, by Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Best Ever Brand Prime Catch Fresh Mackerel * * * Certified Sea Foods Corp., San Francisco, Distributors."

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

On March 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24446. Adulteration of canned shrimp. U. S. v. 213 Cases and 531 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond, conditioned that decomposed portion be segregated and destroyed. (F. & D. no. 35032. Sample nos. 29272-B, 29273-B.)

This case involved a shipment of canned shrimp which was in part decomposed.

On or about February 5, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court 744 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4, 1934, by the J. H. Pelham Co., from Pascagoula, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part:

"Se-Kist Brand Fancy Medium Shrimp * * * Packed by The J. H. Pelham Co. Pascagoula, Miss."

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

On February 26, 1935, the J. H. Pelham Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be segregated and destroyed.

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

24447. Adulteration of canned tomato puree. U. S. v. 671 Cases of Canned Tomato Puree. (F. & D. no. 35038. Sample no. 27978-B.)

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

On January 30, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 671 cases of canned tomato puree at Collinsville, Ill., alleging that the article had been shipped in interstate commerce in various lots on or about August 28, September 22, and October 6, 1934, by the Owensboro Preserving & Canning Co., from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act.

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

On March 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24448. Adulteration of tomato puree. U. S. v. 150 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35043. Sample no. 27976-B.)

This case involved canned tomato puree that contained excessive mold.

On January 30, 1935, 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 one hundred fifty 5-gallon cans of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by the M & R Canning Co., from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act.

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

On March 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24449. Adulteration of frozen eggs. U. S. v. 400 Cans and 56 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond, conditioned that decomposed portion be destroyed or denatured. (F. & D. nos. 35048, 35049. Sample no. 7394-B.)

These cases involved frozen eggs which were in part decomposed.

On January 31, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 456 cans of frozen eggs at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 13, 1934, by the Monark Poultry & Egg Co., from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

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

On March 6, 1935, the cases having been consolidated into one cause of action, and the Manhattan Egg Co., New York., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portions be segregated and destroyed or denatured.

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