

24876. Adulteration of tomato puree. U. S. v. 54½ Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35446. Sample no. 24185-B.)

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

On April 30, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54½ cases of tomato puree at Harrisburg, Pa., alleging that the article had been shipped in interstate commerce on or about September 10 and November 19, 1934, by W. H. Neal & Sons, Hurlock, Md., through A. W. Sisk & Son (broker), Preston, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Zo-Ray Brand Tomato Puree * * * W. H. Neal & Sons, Inc. Hurlock, Md. Distributors."

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

On June 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24877. Adulteration and misbranding of tomato catsup. U. S. v. 35 Cases of Catsup. Default decree of condemnation and destruction. (F. & D. no. 35454. Sample no. 33000-B.)

This case involved an interstate shipment of tomato catsup that was adulterated because of the presence of worm and insect debris, and was misbranded because it was labeled to convey the impression that it was made by a firm other than the real manufacturer.

On May 1, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of catsup at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about October 12, 1934, by the Smith Canning Co., Inc., from Clearfield, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Grandmas Favorite Brand Tomato Catsup Horacek and Sons Co Omaha Neb."

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

Misbranding was alleged for the reason that the statement on the label, "Horacek and Sons Co Omaha, Neb.", was misleading and tended to deceive and mislead the purchaser, since it implied that Horacek & Sons Co. was the manufacturer, whereas the Smith Canning Co. Inc., of Clearfield, Utah, was the manufacturer.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24878. Adulteration of concentrated strained tomatoes. U. S. v. 51 Cases of Concentrated Strained Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 35459. Sample no. 36279-B.)

This case involved an interstate shipment of concentrated strained tomatoes that contained excessive mold.

On May 4, 1935, 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 51 cases of concentrated strained tomatoes at Fall River, Mass., alleging that the article had been shipped in interstate commerce on or about September 15, 1934, by W. H. Neal & Son Co., from Hurlock, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hurlock Brand Concentrated Strained Tomatoes * * * Packed by W. H. Neal & Son Co., Hurlock, Md."

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

On July 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*