

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

On July 9, 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.*

**24962. Adulteration of tomato catsup. U. S. v. 16 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35615. Sample no. 26548-B.)**

This case involved a shipment of tomato catsup which contained evidence of worm and insect infestation.

On June 7, 1935, 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 16 cases of tomato catsup at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about October 5, 1934, by Varney Canning, Inc., from Roy, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Heart of Utah Brand Tomato Catsup \* \* \* Varney Canning Inc."

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

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.*

**24963. Adulteration and misbranding of Ownen's Viti-Veg. U. S. v. 119 Cartons, et al., of Viti-Veg. Default decrees of condemnation and destruction. (F. & D. nos. 35621, 35668, 35669, 35670, 35671, 35672. Sample nos. 27431-B, 27432-B, 28259-B, 33939-B, 35547-B, 37139-B.)**

These cases involved a product intended to be used as an ingredient in the making of bread, which was adulterated because of the presence of added phenolphthalein. It was also misbranded, since the label conveyed the impression that it was composed solely of vegetable substances and that it would maintain and produce health; whereas it contained phenolphthalein, a coal-tar drug, and would not maintain or produce health.

On June 6, 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 119 1-pound cartons of Ownen's Viti-Veg. at Peoria, Ill. On or about June 21 and July 2, 1935, libels were filed against 114 cartons of the product at Dayton, Ohio, 60 cartons at Shawnee, Okla.; 60 cartons at Lawton, Okla.; 120 cartons at Milwaukee, Wis.; and 89 cartons at Burlington, N. C. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of April 27 and May 21, 1935, by the Bakers Research Co., from St. Louis, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Ownen's Viti-Veg Original Health Bread."

The article was alleged to be adulterated in that it contained an added deleterious ingredient, phenolphthalein, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement "Viti-Veg.", borne on the label, was false and misleading, since it created the impression that the article was a vegetable compound; whereas it contained phenolphthalein, a synthetic laxative drug derived from coal tar, and for the further reason that the statement, "Health Bread" on the label, was false and misleading, since the article contained an added deleterious ingredient and could not be depended on to maintain and produce health.

On July 17, 18, and 24, September 5, and December 17, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**24964. Misbranding of apple butter and jellies. U. S. v. The C. H. Musselman Co. Plea of guilty. Fine, \$240. (F. & D. no. 33962. Sample nos. 52633-A, 60865-A to 60868-A, inc., 61835-A, 62262-A to 62265-A, incl., 62281-A to 62284-A, incl., 66840-A to 66844-A, incl., 66845-A to 66848-A, incl., 67066-A, 67653-A.)**

This case was based on interstate shipments of apple butter and jellies which were short weight.

On May 20, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in