

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

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

**24984. Adulteration of tomato puree. U. S. v. 1,500 Cases of Tomato Puree. Decree of condemnation and destruction. (F. & D. no. 35758. Sample no. 30751-B.)**

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

On July 10, 1935, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,500 cases of tomato puree at San Juan, P. R., alleging that the article had been shipped in interstate commerce on or about June 13, 1935, by Julian Planton, from Houston, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, in part: "Valley Rose Brand Tomato Puree \* \* \* Packed by Riona Products Co., Inc., McAllen, Texas."

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

On August 14, 1935, the Riona Products Co., Inc., McAllen, Tex., filed a claim and answer admitting the interstate shipment but denying the adulteration charge. On August 19, 1935, the claimant having waived a jury trial and, subsequent to the filing of the answer, having stipulated that the product contained mold and was adulterated, judgment of condemnation was entered and the product was ordered destroyed.

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

**24985. Adulteration and misbranding of canned field corn. U. S. v. 62 Cases of Canned Field Corn. Default decree of condemnation and destruction. (F. & D. no. 35749. Sample no. 43252-B.)**

This case involved a shipment of canned field corn which was adulterated because of the presence of decomposed corn. It was also misbranded, since it was substandard because of the amount of brine used as a packing medium and it was not labeled to indicate that it was substandard.

On July 11, 1935, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 cases of canned field corn at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about December 31, 1934, by the Ladoga Canning Co., from Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Excelsior Brand Sweetened Field Corn \* \* \* Distributed by The Sears & Nichols Corporation \* \* \* Indianapolis, Ind."

The article was alleged to be adulterated in that brine had been substituted in part for field corn which the article purported to be, and in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On August 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.*

**24986. Adulteration of butter. U. S. v. 74½ Cases of Butter. Consent decree of condemnation and destruction. (F. & D. no. 35556. Sample nos. 36838-B, 36839-B.)**

This case involved a shipment of butter samples of which were found to contain mold, hair, insects, and other extraneous matter.

On May 14, 1935, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74½ cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about May 8, 1935, by Swift & Co. from West Point, Miss., and