

"Frazier's Tomato Catsup Prepared by Frazier Packing Corp., Elwood, Indiana." The remainder was labeled: "Glendale Brand Tomato Catsup * * * Clover Farm Stores Distributors * * * Cleveland, Ohio."

A portion of the article was charged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance, a portion was charged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance, and a portion was charged to be adulterated in that it contained mold making it unfit for consumption.

On December 3, 1935, January 13, and February 20, 1936, the cases having been called for final disposition and no claimant appearing, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

25562. Adulteration of tomato puree. U. S. v. 48½ Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35128. Sample no. 27982-B.)

This case involved tomato puree that contained excessive mold.

On February 12, 1935, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48½ cases of tomato puree at Mount Vernon, Ill., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by the Owensboro Preserve & Canning Co., Inc., from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Green River Brand Tomato Puree * * * Packed by Owensboro Preserve and Canning Co. Inc. Owensboro Kentucky."

The article was alleged to be adulterated in that it contained mold and was unfit for consumption as food.

On January 13, 1936, 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.*

25563. Adulteration of tomato puree. U. S. v. 393 Cases of Tomato Puree. Default decree of destruction. (F. & D. no. 35372. Sample no. 32986-B.)

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

On April 12, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 393 cases of tomato puree at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 25, 1935, by the Rockfield Canning Co., of Rockfield, Wis., from Granville, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pallas Tomato Puree * * * Ridenour-Baker Grocery Co. Distributors, Kansas City."

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

On January 28, 1936, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be destroyed.

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

25564. Adulteration and misbranding of egg noodles. U. S. v. 278 Cartons of Egg Noodles. Default decree of condemnation and forfeiture, providing for delivery of the product to a charitable institution. (F. & D. no. 35444. Sample nos. 30183-B to 30187-B, incl.)

This case was based upon shipments of egg noodles that contained soybean flour and turmeric, a yellow coloring matter.

On April 29, 1935, the United States attorney for the Southern 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 278 cartons of egg noodles at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 28, 1935, by the Kentucky Macaroni Co., Louisville, Ky., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Some of the cartons) "Pure Egg Noodles"; (on the remainder "Egg Noodle."

Adulteration of the product was charged (a) under the allegation that an article containing soybean flour and an added color, namely, turmeric, had been substituted for what the product purported to be, namely, pure egg

noodles; (b) under the allegation that the product was colored in a manner whereby inferiority was concealed.

Misbranding of the product was charged under the allegations that the label on some of the cartons bore the statement "Pure Egg Noodles" and that the label on the remainder of the cartons bore the statement "Egg Noodle"; that the said statements were false and misleading and tended to deceive and mislead the purchaser, when applied to a mixture of egg noodles, soybean flour, and added coloring matter, turmeric.

On May 25, 1935, no claimant having appeared, a default decree of condemnation and forfeiture, providing for delivery of the product to a charitable institution, was entered.

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

25565. Adulteration and misbranding of egg noodles. U. S. v. 252 Cases of Egg Noodles. Consent decree of condemnation and forfeiture, providing for delivery of the product to charitable institutions. (F. & D. no. 35536. Sample no. 37276-B.)

This case was based upon shipments of egg needles that contained soybean flour and turmeric, a yellow coloring matter.

On May 24, 1935, 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 252 cases of egg noodles at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about March 21 and March 26, 1935, by the Kentucky Macaroni Co., from Louisville, Ky., into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Delmonico Brand Pure Egg Noodles, J. Viviano & Sons, Louisville, Ky."

Adulteration of the product was charged (a) under the allegations that an article containing soybean flour and an added color, namely, turmeric, had been substituted for what the product purported to be, namely, pure egg noodles; (b) under the allegation that the article was colored in a manner whereby inferiority was concealed.

Misbranding of the product was charged under the allegations that the label on the cartons bore the statement "Pure Egg Noodles"; that the said statement was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of egg noodles, soybean flour, and added coloring matter, turmeric.

On June 13, 1935, the Kentucky Macaroni Co., Louisville, Ky., having been recognized as the claimant, and consenting, a decree of condemnation and forfeiture, providing for delivery of the product to charitable institutions, was entered.

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

25566. Misbranding of canned tomatoes. U. S. v. 300 Cases, et al., of Canned Tomatoes. Consent decree of condemnation and forfeiture, providing for the release of the product to the claimant for relabeling on furnishing of bond in the sum of \$3,000. (F. & D. nos. 35589, 35591 to 35596, incl. Sample nos. 36835-B, 36841-B, 36849-B.)

The can container of this product was below the prescribed standard of fill and was without the required statement indicating that fact.

On June 4, 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 1,050 cases of canned tomatoes at Mobile, Ala., alleging that the article had been shipped in interstate commerce, on or about April 23, 1935, May 1, 1935, and May 7, 1935, by H. A. Shaver Inc., from Lakeland, Fla., to Mobile, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Shaver's Brand Hand Packed Tomatoes * * * Packed by H. A. Shaver, Inc., Lakeland, Fla."

Misbranding of the product was charged under the allegations that it was canned food, that the cans contained a substance in addition to canned tomatoes, namely, puree from tomato trimmings, that by the addition of said substance to the canned tomatoes the fill of the cans fell below the fill of container for canned tomatoes promulgated by the Secretary of Agriculture, and that neither the cans nor the label bore a plain or conspicuous statement prescribed by the Secretary of Agriculture indicating that the product fell below such standard of fill of its container.