

it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act.

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

25692. Adulteration of tomato puree. U. S. v. 50 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 36653. Sample no. 26984-B.)

This case involved tomato puree which contained filth resulting from worm infestation.

On November 23, 1935, the United States attorney for the Eastern 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 50 cases of tomato puree at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 26, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hollister Brand Tomato Puree * * * Packed by Hollister Canning Co., Hollister, Cal."

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

On January 10, 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.*

25693. Adulteration of tomato puree. U. S. v. 3,500 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 36664. Sample nos. 49497-B, 49610-B.)

This case involved canned tomato puree that contained filth resulting from worm infestation.

On November 27, 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 a libel praying seizure and condemnation of 3,500 cases of canned tomato puree at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about February 27, 1935, by the Greco Canning Co., from San Jose, Calif., 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 filthy vegetable substance.

On April 2, 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.*

25694. Misbranding of canned tuna fish. U. S. v. 125 Cases and 326 Cases of Canned Tuna Fish. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. nos. 36685, 36686. Sample nos. 50280-B to 50283-B, incl.)

These cases involved canned tuna fish that was short in weight.

On December 2, 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 125 cases of tuna fish at Hoboken, N. J., and 326 cases of tuna fish at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about September 27, 1935, by Van Camp Sea Food Co., Inc., from Terminal Island, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

A portion of the article was labeled: "Mission Brand Tuna Light Meat Weight 7 Oz. Net * * * Packed by Van Camp Sea Food Co. Inc." The remainder was labeled: "Contents 7 Oz. Avoir. Filigree Light Meat Tuna Fish Packed for Hudson Wholesale Grocery Co. * * * Jersey City, N. J."

The article was alleged to be misbranded in that the statements, "Weight 7 Oz. Net" and "Contents 7 Oz. Avoir.", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On February 7, 1936, the Van Camp Sea Food Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

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