

25983. Misbranding of vanilla extract. U. S. v. 456 Bottles and 960 Bottles of Vanilla Extract. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 37152, 37153. Sample nos. 45501-B, 45502-B, 53026-B, 53027-B.)

These cases involved vanilla extract that was short in volume.

On February 7, 1936, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,416 bottles of vanilla extract at Fort Benning, Ga., consigned on or about December 10 and 11, 1935, alleging that the article had been shipped in interstate commerce by Food Materials, Inc., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "\$1 Size 8 Fluid Ounces * * * Contents 8 fld. ozs."; (bottle) "Cook's Betty Smart * * * Contents 8 fld. ozs. Pure Vanilla Extract * * * Cook's Food Products Chicago."

The article was alleged to be misbranded in that the statements on the labels, (carton) "8 Fluid Ounces", "contents 8 fld. ozs.", and (bottle) "Contents 8 fld. ozs.", were false and misleading and tended to deceive and mislead the purchaser since the packages contained less than 8 fluid ounces. The article was alleged further to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package because the quantity stated was not correct.

On June 9, 1936, Food Materials Corporation, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the court ordered the product released under bond conditioned that it be relabeled under supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

25984. Adulteration of canned tomatoes. U. S. v. 935 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37162. Sample no. 49435-B.)

This case involved an interstate shipment of canned tomatoes that contained added water.

On February 5, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 935 cases of canned tomatoes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 21, 1935, by A. W. Sisk & Son, from Cordova, Md., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Dover Brand Tomatoes Contents 1 Lb. 12 Ozs. Packed by Harrison & Jarboe Sherwood Md."

The article was alleged to be adulterated in that water had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength; and in that water had been substituted wholly or in part for the article.

On March 27, 1936, Harrison & Jarboe, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reconditioned.

M. L. WILSON, *Acting Secretary of Agriculture.*

25985. Adulteration and misbranding of canned mushrooms. U. S. v. 8 Cartons, 38 Cartons, and 10 Cartons of Canned Mushrooms. Default decrees of condemnation and destruction. (F. & D. nos. 37165, 37166, 37167. Sample nos. 53426-B, 53427-B, 53428-B.)

These cases involved interstate shipments of canned mushrooms that consisted of mushroom peelings and trimmings containing discolored and decomposed material.

On February 6, 1936, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 56 cartons of canned mushrooms at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 24, 1935, and January 3, 1936, by the Great Western Mushroom Co., from Denver, Colo., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article, contained in cans, was labeled: "4S Brand Mushrooms 8 oz. Net Drained Weight Slices and Stems for Sauces and Such. The Great Western Mushroom Company, Denver, Colorado."

The article was alleged to be adulterated (1) in that peelings and trimmings containing discolored and decomposed material had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality; (2) in that mushroom peelings and trimmings had been substituted for the article; and (3) in that it consisted in whole or in part of a decomposed or putrid vegetable substance. The article was alleged to be misbranded in that the statement on the label, "Slices and Stems", was false and misleading and tended to deceive and mislead the purchaser when applied to an article that did not consist of slices.

On April 13, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25986. Misbranding of canned tomatoes. U. S. v. 600 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for re-labeling. (F. & D. no. 37172. Sample no. 59137-B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture, because the tomatoes were not normally colored, and they were not labeled to indicate that they were substandard.

On February 8, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned tomatoes at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about August 29, 30, and 31, 1935, by Chas. L. Diven, Inc., from Gentry, Ark., and that they were misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Cream of the Valley Brand Hand Picked Tomatoes Contents 1 Lb. 3 Oz. * * * Chas. L. Diven, Inc. Main Office Gentry, Ark."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because the tomatoes were not normally colored, and its package or container did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 28, 1936, Chas. L. Diven, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

25987. Adulteration of canned tomato juice. U. S. v. 175 Cases of Canned Tomato Juice. Default decree of condemnation and destruction. (F. & D. no. 37178. Sample no. 52727-B.)

This case involved an interstate shipment of canned tomato juice that was found to contain excessive mold.

On February 10, 1936, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cases of tomato juice at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about October 3, 1935, by the Robinson Canning Co., from Siloam Springs, Ark., and that it was adulterated in violation of the Food and Drugs Act. The article, contained in cans, was labeled: "King of Ozarks Brand Tomato Juice Contents 10 Fl. Oz. Packed by Robinson Canning Co. Robinson, Ark."

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

On April 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25988. Adulteration of frozen raspberries. U. S. v. 125 Barrels of Frozen Raspberries. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 37180. Sample no. 43122-B.)

This case involved frozen raspberries that were in part worm- and insect-infested.

On February 10, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the