

26316. Misbranding of canned tomatoes. U. S. v. 17 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 37501. Sample no. 29897-B.)

This case involved canned tomatoes which fell below the standard established by this Department, which were not labeled to indicate that they were substandard, and which were short in weight.

On April 2, 1936, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cases of canned tomatoes at Union Springs, Ala., alleging that the article had been shipped in interstate commerce on or about August 23, 1935, by the Pulaski Canning Co., from Pulaski, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pulaski Brand Hand Packed Tomatoes Contents 1 Lb. 3 Ozs. Packed by Pulaski Canning Co. Pulaski, Tenn."

The article was alleged to be misbranded in that the statement on the label, "Contents 1 Lb. 3 Ozs.," was false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than 1 pound 3 ounces; 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, since the quantity stated was not correct; and in that it was canned food and fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture for such canned food, since it did not consist of whole or large pieces, and it was not normally colored and was slack-filled because of excessive head space and its package or label did not bear a plain and conspicuous label prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On September 11, 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.*

26317. Adulteration of currants. U. S. v. 50 Cases of Currants. Decree of condemnation. Product ordered released under bond. (F. & D. no. 37502. Sample no. 65282-B.)

This case involved currants that were in part insect-infested.

On March 30, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of currants at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 18 and 28, 1935, by the Otzen Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Otzen's Imported Grecian Currants. Packed by Otzen Packing Co. San Francisco, Calif."

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

On September 4, 1936, the Associated Grocers Co-op., Seattle, Wash., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be washed in order to bring it into compliance with the law.

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

26318. Adulteration and misbranding of preserves. U. S. v. 8½ Cases of Assorted Preserves. Default decree of condemnation and destruction. (F. & D. no. 37512. Sample nos. 59124-B, 59125-B, 59126-B.)

This case involved raspberry preserves that contained added water and pectin and less fruit and more sugar than a standard preserve should contain.

On May 4, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight and one-half cases of assorted preserves at Pittsburg, Kans., alleging that the articles had been shipped in interstate commerce on or about August 10, 1935, by Kansas City Foods, Inc., from Kansas City, Mo., and charging adulteration and misbranding with respect to a portion thereof in violation of the Food and Drugs Act. The articles were labeled in part: "Pure Raspberry [or "Pineapple" or "Strawberry"] Preserves Net Wt. 1 Lb. Packed by Kansas City Syrup & Preserving Co. Kansas City, Mo. Gold Medal Brand."