

**26368. Adulteration and misbranding of tomato puree. U. S. v. 199 Cases of Tomato Puree. Default decree of confiscation. Product ordered released under bond to be relabeled. (F. & D. no. 37907. Sample no. 6707-C.)**

This case involved tomato puree that was deficient in tomato solids.

On July 23, 1936, 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 199 cases of tomato puree at Mobile, Ala., consigned by Riona Products Co., of McAllen, Tex., alleging that the article had been shipped in interstate commerce on or about July 18, 1936, from New Orleans, La., and charging adulteration and misbranding 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 a substance deficient in tomato solids had been substituted for tomato puree, which the article purported to be.

The article was alleged to be misbranded in that the statement on the label, "Puree", was false and misleading and deceived and misled the purchaser since the article contained insufficient tomato solids to constitute it tomato puree; and in that it was offered for sale under the distinctive name of another article.

On August 28, 1936, no claimant appearing, judgment was entered ordering that the product be confiscated. The Schock Brokerage Co., Mobile, Ala., subsequently having filed a claim for the product, an order was entered September 19, 1936, permitting its release under bond on condition that it be relabeled.

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

**26369. Adulteration of evaporated apples. U. S. v. 3 Boxes and 9 Boxes of Evaporated Apples. Default decrees of condemnation and destruction. (F. & D. no. 37909. Sample nos. 5628-C, 5631-C.)**

This case involved evaporated apples that contained excessive moisture.

On July 23, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 boxes of evaporated apples at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about June 17 and July 3, 1936, by M. O. Engleson & Co., from Williamson, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Engleson Brand \* \* \* Evaporated Apples \* \* \* Packed by M. O. Engleson & Co., Williamson, N. Y."

The article was alleged to be adulterated in that a product containing excessive moisture had been substituted wholly or in part for evaporated apples, which the article purported to be.

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

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

**26370. Adulteration of huckleberries. U. S. v. 147 Quart Baskets of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 37913. Sample no. 7231-C.)**

This case involved huckleberries that contained maggots.

On July 14, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 147 quart baskets of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 11, 1936, by J. A. Murphy from Atkinson, N. C., 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, decomposed, or putrid vegetable substance.

On July 30, 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.*

**26371. Adulteration of cream. U. S. v. One 5-Gallon Can, et al., of Cream. Consent decree of condemnation and destruction. (F. & D. no. 37914. Sample no. 7676-C.)**

This case involved cream that was filthy and decomposed.

On July 13, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can and three 10-gallon