

26873. Adulteration and misbranding of tomato puree. U. S. v. 344 Cases of Tomato Puree. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38721. Sample no. 6779-C.)

This product was deficient in tomato solids.

On November 27, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 344 cases of alleged tomato puree at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about June 25, 1936, by A. Glorioso (Mississippi Canning Co.), from Crystal Springs, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Eagle Brand Tomato Puree * * * Packed by A. Glorioso New Orleans, La. U. S. A."

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.

It was alleged to be misbranded in that the statement "Tomato Puree", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was deficient in tomato solids.

On December 11, 1936, A. Glorioso, claimant, 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 relabeled under the supervision of this Department.

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

26874. Adulteration of tomato puree. U. S. v. 435 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 38726. Sample no. 21479-C.)

This article contained filth resulting from worm infestation.

On November 30, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 435 cases of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 13, 1936, by the Columbia Conserve Co., Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Hi-Pointe Tomato Puree Packed for G. H. Wettreau and Sons Grocer Co., St. Louis, Mexico, Desloge, Mo."

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

On December 23, 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.*

26875. Misbranding of malted milk mixture. U. S. v. 283 Dozen Cans of Rawleigh's Chocolate Flavored Malted Milk Mixture. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38733. Sample no. 19535-C.)

This product was labeled to convey the impression that it contained sufficient malted milk to make a malted milk drink but, in fact it contained but a small amount (approximately 8 percent) of malted milk.

On December 2, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 283 dozen cans of Rawleigh's Chocolate Flavored Malted Milk Mixture at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 16 and October 16, 1936, by the W. T. Rawleigh Co. from Freeport, Ill., and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "Rawleigh's Chocolate Flavored Malted Milk Mixture Sweetened * * * Manufactured by The W. T. Rawleigh Company, Freeport, Illinois, U. S. A."

The article was alleged to be misbranded in that the statement "Malted Milk Mixture", prominently set out on the label and not corrected by the inconspicuous statement on the label indicating other ingredients, was false and misleading and tended to deceive and mislead the purchaser into the belief that it was a malted milk mixture which would make a malted milk drink, when in fact it contained only 8 percent of malted milk and would not make a malted milk drink.