

26886. Adulteration of canned tomato paste. U. S. v. 108 Cases of Canned Tomato Paste. Judgment of condemnation. Product released under bond for segregation and destruction of unfit portions. (F. & D. no. 38768. Sample no. 27865-C.)

This product was undergoing active bacterial spoilage and was in part decomposed.

On December 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 108 cases of canned tomato paste at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about September 14, 1936, by the Flotill Products, Inc., from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On January 25, 1937, the Philadelphia Macaroni Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be separated therefrom and destroyed.

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

26887. Adulteration of tomato pulp. U. S. v. 337 Cans and 338 Cans of Tomato Pulp. Default decrees of condemnation and destruction. (F. & D. nos. 38769, 38801. Sample nos. 21486-C, 21497-C.)

Samples of this product were found to contain mold, also filth resulting from worm infestation.

On December 5 and 11, 1936, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 675 cans of tomato pulp at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about September 21 and November 9, 1936, by the Vallonia Canning Co., from Vallonia, Ind., and charging adulteration in violation of the Food and Drugs Act.

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

On December 29, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

26888. Adulteration of walnut meats. U. S. v. 39 Cartons of Walnut Meats. Default decree of destruction. (F. & D. no. 38792. Sample no. 31212-C.)

This product was in part moldy and insect-eaten.

On December 10, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cartons of walnut meats at Salt Lake City, Utah, alleging that they had been shipped in interstate commerce on or about November 13, 1936, by the Davis Nut Shelling Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On January 30, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

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

26889. Misbranding of apples. U. S. v. 645, 616, 645, and 547 Baskets of Apples. Consent decree entered. Product released to be relabeled. (F. & D. nos. 38794, 38795, 38796. Sample nos. 7595-C to 7598-C, incl.)

These apples were below the grade indicated on the label.

On or about December 15, 1936, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,453 baskets of apples at Martinsville, Va., alleging that they had been shipped in interstate commerce in part on or about October 24, 1936, by Wray, Goodwin & Kayt, from Bendersville, Pa., and in part on or about November 5, 1936, by the Cooperative Fruit Growers, from Bendersville, Pa. and Seven Stars, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part "U. S. Utility."