

27624. Adulteration of canned tomato puree. U. S. v. 913 Cases and 996 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. Nos. 39422, 39431. Sample Nos. 33260-C, 33261-C.)

This product contained excessive mold.

On April 27, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,909 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 10 and March 31, 1937, by the Oconomowac Canning Co. from Sun Prairie, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Barco Brand Tomato Puree Distributors B. A. Rallton Co. Chicago."

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

On July 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27625. Adulteration of bran. U. S. v. 217 Sacks of Bran. Default decree of condemnation and destruction. (F. & D. No. 39647. Sample No. 26562-C.)

This product was decomposed, discolored, caked, and moldy.

On May 24, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 217 sacks of bran at Woodhaven, Long Island, N. Y., alleging that the article had been shipped in interstate commerce on or about April 30, 1937, from Millville, N. Y., by P. A. Barry, of Brooklyn, N. Y., 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 June 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27626. Adulteration and misbranding of Beats All Punch-Ade and fruit-flavored sirups. U. S. v. 202 Bottles of Punch-Ade, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 39871, 39872, 39887 to 39893, incl. Sample Nos. 35216-C to 35222-C, incl., 37936-C, 37937-C.)

These products were labeled to convey the impression that they could be used as bases for fruitade. Examination showed that they were artificially colored acid solutions containing little or no fruit juices, and that some contained artificial flavor and others contained citrus-oil flavor. Certain lots were short in volume.

On June 17 and June 22, 1937, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 140 cartons of Punch-Ade and 65 cartons of fruit-flavored sirup at Newark, N. J., and 202 bottles of Punch-Ade at Philadelphia, Pa., consigned by Snow Crest, Inc., alleging that the articles had been shipped in interstate commerce on or about March 31 and May 3, 1937, from Salem, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The Punch-Ade was labeled in part: "Beats All Punch-Ade Cherry [or "Grape," "Lemon," "Lemon-Lime," "Orange," "Rasp-berry," or "Strawberry"] Flavor * * * Snow Crest, Salem, Mass." The remaining products were labeled in part: "Snow Crest Grape [or "Punch," "Rasp-berry," "Cherry," "Strawberry," "Lemon & Lime," or "Orange"] A pure fruit flavored sirup * * * Snow Crest Inc. Salem, Mass."

The various types of Punch-Ade were alleged to be adulterated in that artificially colored acid solutions and artificial flavors or citrus oil flavors containing little or no fruit juices, had been substituted wholly or in part for the articles. The fruit-flavored sirups were alleged to be adulterated in that artificially colored sirups containing acid, artificial flavors or citrus oil flavors and little or no fruit juices, had been substituted wholly or in part for the articles. All were alleged to be adulterated further in that they had been mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser