

**28635. Adulteration of tomato paste. U. S. v. 416 Cases and 434 Cases of Tomato Paste. Decrees of condemnation. Property ordered released under bond for segregation and destruction of the unfit portion.** (F. & D. Nos. 39005, 39071, 39072. Sample Nos. 21678-C, 21696-C, 21697-C.)

This product contained filth resulting from worm infestation.

On January 26 and February 11, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 850 cases of tomato paste at New Orleans, La., alleging that the product had been shipped in interstate commerce on or about December 3, 1936, by the Anaheim Canning Co. from Anaheim, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Kitty Brand Color Added Tomato Paste \* \* \* Packed by Glorioso Canning Co. Anaheim, Calif."

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

On April 5, 1938, the Anaheim Canning Co. having appeared and answered, and having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that the good be separated from the bad under supervision of this Department, and that the bad be destroyed.

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

**28636. Adulteration of apples. U. S. v. 140 Bushels of Apples. Consent decree of condemnation. Product released for washing.** (F. & D. No. 40470. Sample No. 62277-C.)

This product was contaminated with arsenic and lead.

On or about September 21, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 bushels of apples at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about September 17, 1937, from Lincoln, Ark., by A. L. Hall, of Fort Worth, Tex., to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 22, 1937, A. L. Hall, claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the court ordered that the product might be delivered to the claimant upon payment of costs, providing that the deleterious ingredients be first removed by washing under official supervision.

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

**28637. Adulteration and misbranding of butter. U. S. v. 3 Cases and 34 Cases of Butter. Product ordered released under bond for reworking.** F. & D. No. 40191. Sample Nos. 53311-C, 53317-C, 53320-C.)

A portion of this product contained less than 80 percent of milk fat; the remainder was short weight.

On August 4, 1937, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 37 cases of butter at Mobile, Ala., consigned by Armour Creameries, alleging that the article had been shipped in interstate commerce from Meridian, Miss., in part on or about July 12, and in part on or about July 26, 1937, and charging misbranding with respect to a portion, and adulteration and misbranding with respect to the remainder in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Armour's Cloverbloom Butter 1 Lb. Net Weight \* \* \* Armour Creameries Chicago U. S. A. Distributors"; (parchment wrapper) "1/4 Lb. Net Weight."

A portion of the article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923. The said lot was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since it contained less than 80 percent of milk fat.