

On January 6, 1940, W. N. Clark Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond conditioned that it be relabeled under the supervision of this Department.

GROVER B. HILL, *Acting Secretary of Agriculture.*

**31048. Adulteration of tomato catsup. U. S. v. 550 Cartons of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 45440. Sample No. 62710-D.)**

Samples of this product were found to contain worms and insect fragments. On June 3, 1939, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 550 cartons of tomato catsup at Lake Charles, La.; alleging that the article had been shipped on or about January 5, 1939, by the Val Vita Food Products, Inc., from Los Angeles, Calif.; and charging that it was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Monte Rio Brand Tomato Catsup."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On January 16, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

**31049. Adulteration of canned oysters. U. S. v. 221 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. & D. No. 44552. Sample No. 37058-D.)**

This product was in whole or in part decomposed.

On December 20, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed a libel against 221 cases of canned oysters at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about November 8, 1938, by the Anticich Canning Co. from New Orleans, La.; and charging that it was adulterated in violation of the Food and Drugs Act. It was labeled in part: "American Beauty Oysters."

Adulteration was alleged in that the article consisted wholly or in part of a decomposed animal substance.

On June 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

**31050. Misbranding of canned pears. U. S. v. 75 Cases of Canned Pears. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 45592, 45593, 45594. Sample Nos. 97322-D, 97329-D, 97334-D.)**

This product was substandard because it was packed in water, and it was not labeled to indicate that it was substandard.

On February 14, 1940, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned pears in various lots at Laramie, Cheyenne, and Casper, Wyo.; alleging that the article had been shipped in interstate commerce on or about November 2, 1939, by the Pacific Fruit & Produce Co. from Seattle, Wash.; and charging that it was misbranded in violation of the Food and Drugs Act. \* \* \* The article was labeled in part: "Nation's Garden Brand Bartlett Pears Packed for Fine Foods, Inc., Seattle-Minneapolis."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was packed in water and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 23, 1940, the Pacific Fruit & Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled under the supervision of this Department.

GROVER B. HILL, *Acting Secretary of Agriculture.*