

On November 21, 1939, the United States attorney for the District of Oregon filed a libel against 12 cases of apple butter at Ontario, Oreg., alleging that the article had been shipped in interstate commerce on or about September 16, 1939, by Spring Valley Dairy Products Co. from Nampa, Idaho; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Spring Valley Brand Pure Apple Butter. Net Wt. 32 Ozs."

The article was alleged to be adulterated in that it contained poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health. It was alleged to be adulterated further in that it consisted wholly or in part of a filthy substance.

It was alleged to be misbranded in that the statement on the label, "Net Wt. 32 Ozs.," was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On January 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### VEGETABLE SOUP MIXTURE

**426. Adulteration and misbranding of vegetable soup mixture. U. S. v. 33 Dozen Packages of Vita-Cup Brand Vegetable Soup. Default decree of condemnation and destruction. (F. D. C. No. 916. Sample No. 74301-D.)**

This product was represented to be a mixture from which vegetable soup could be made. It consisted, however, of about 73 percent of noodles and 27 percent of dried vegetables and kelp. Certain vegetables depicted on a vignette on the package were not found in the mixture; the contents occupied not more than 63 percent of the carton; the weight was less than that declared; and the labeling was misleading in other particulars.

On November 10, 1939, the United States attorney for the District of Massachusetts filed a libel against 33 dozen packages of vegetable soup mixture at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 21 and 26, 1939, by Martha E. Bussler, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a substance containing 73 percent of noodles had been substituted wholly or in part for an article which purported to be vegetable soup.

It was alleged to be misbranded in that the statement, "Vegetable Soup \* \* \* Made from 1 Pound Fresh Garden Vegetables Concentrated \* \* \* Contents Carrots, Celery, Kelp, Okra, Onions, Leek, Parsley, Parsnips, Rutabagas, Beans, Turnips, Tomatoes, Vegetable seasoning and Egg Products Concentrated Vegetables," borne on the label, were false and misleading when applied to an article consisting essentially of noodles with some dried vegetables and seaweed (kelp); in that the vignette borne on the label was false and misleading since no peas or lima beans were found in the mixture; in that the statement "Conforms to State and all Federal Pure Food laws," was false and misleading since the article did not conform to the provisions of the Federal Food, Drug, and Cosmetic Act; in that the statement "2 Oz. Net Weight When Packed" was false and misleading since it was incorrect; in that the article was offered for sale under the name of another food, namely, "Vegetable Soup"; in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On December 18, 1939, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

#### TOMATOES AND TOMATO PRODUCTS

Nos. 427 to 434 report the seizure and disposition of tomato products which contained excessive mold.

**427. Adulteration of tomato catsup. U. S. v. 699 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1300. Sample No. 75482-D.)**

On January 6, 1940, the United States attorney for the Northern District of Ohio filed a libel against 699 cases of tomato catsup at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 25, 1939, by Beutel Pickling & Canning Co. from Bay City, Mich.; and charging that it was adulterated in that it consisted wholly or in part