

stead of halves and some of the cans in the latter instance containing halves instead of slices.

On February 5, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**878. Adulteration and misbranding of canned peas. U. S. v. 325 Cases of Peas. Decree of condemnation. Product ordered released under bond to be re-labeled.** (F. D. C. No. 1519. Sample No. 88105-D.)

This product was canned soaked dry peas and not early June peas as labeled.

On February 23, 1940, the United States attorney for the District of Maryland filed a libel against 325 cases of canned peas at Thurmont, Md., alleging that the article had been shipped in interstate commerce on or about January 29, 1940, by Greenspan Bros. from Perth Amboy, N. J.; and charging that it was adulterated and misbranded. This shipment included goods, originally shipped to Greenspan Bros., which were returned to the packer, the Frederick City Packing Co., by direction of the broker for the latter firm. The article was labeled in part: "Richland Brand Early June Peas Packed by Frederick City Packing Co. Frederick, Maryland."

It was alleged to be adulterated in that soaked dry peas had been substituted wholly or in part for early June peas.

The article was alleged to be misbranded in that the statement on the label, "Early June Peas," and the design of peas in pods were false and misleading since the article was soaked dry peas.

On March 27, 1940, judgment of condemnation was entered and it was ordered that the product be released under bond to the claimant, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**879. Adulteration of canned sweetpotatoes. U. S. v. 33 Cartons of Canned Sweetpotatoes. Default decree of condemnation and destruction.** (F. D. C. No. 1362. Sample No. 83985-D.)

Examination showed this product to be decomposed.

On January 17, 1940, the United States attorney for the Western District of Washington filed a libel against 33 cartons, each containing 6 No. 10 cans, of sweetpotatoes at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about June 19, 1939, by A. W. Sisk & Son from Preston, Md.; and charging that it was adulterated. The shipment was made by George A. Bounds & Co. from Hebron, Md., in the name of A. W. Sisk & Son of Preston, Md., the latter firm acting as brokers in the transaction. The article was labeled in part: "I & M Brand Sweet Potatoes Packed by Insley & Mitchell Salisbury, Md."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On April 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

**TOMATOES AND TOMATO PRODUCTS**

**880. Adulteration and misbranding of canned tomatoes. U. S. v. 697 Cases of Canned Tomatoes. Default decree of condemnation and destruction.** (F. D. C. No. 1126. Sample No. 72856-D.)

This product contained worms, insect fragments, and excessive mold. It was also falsely branded as to the name of the manufacturer and place of manufacture.

On December 5, 1939, the United States attorney for the Eastern District of New York filed a libel against 697 cases of canned tomatoes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 4, 1939, by the Riverbank Canning Co. from Riverbank, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Diana Brand Tomatoes with Puree from Trimmings California Packed and Guaranteed by Zerillo and La Fata Healdsburg California."

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

It was alleged to be misbranded in that the statement "Packed and Guaranteed by Zerillo and La Fata Healdsburg, California" was false and misleading since the goods were not packed by Zerillo & La Fata at Healdsburg, Calif.

On September 5, 1940, answer having been filed by the claimant and the time for filing answer having expired, judgment of condemnation was entered and the product was ordered destroyed.

**881. Adulteration of tomato catsup. U. S. v. Frazier Packing Corporation. Plea of guilty. Fine, \$250.** (F. D. C. No. 2095. Sample Nos. 48254-D, 66737-D, 66738-D, 67098-D, 72034-D, 72935-D, 75916-D, 6431-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On August 15, 1940, the United States attorney for the Southern District of Indiana filed an information against the Frazier Packing Corporation, Elwood, Ind., alleging shipment by said company within the period from on or about August 24, 1939, to on or about January 24, 1940, from the State of Indiana into the States of Oklahoma, Kansas, Michigan, Kentucky, and Colorado of 7 consignments of tomato catsup which was adulterated. The article was labeled in part: "Frazier's Tomato Catsup \* \* \* Prepared by Frazier Packing Corp."; "Dreher's Tomato Catsup \* \* \* Packed for The Dreher Pickle Co., Fort Collins, Colo."; "White Birch Brand Catsup \* \* \* Carpenter Cook Co., Menominee, Mich."; "Brimful Brand Tomato Catsup \* \* \* H. A. Marr Grocery Co. Distributors."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed substance. The information also charged that the defendant had made two other shipments of tomato catsup which was adulterated in violation of the Food and Drugs Act of 1906, as reported in notice of judgment No. 31089 published under that act.

On September 26, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250 for violation of both acts.

Nos. 882-885, inclusive, report the seizure and disposition of tomato catsup that contained excessive mold, indicating the presence of decomposed material.

**882. Adulteration of tomato catsup. U. S. v. 81 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 2045. Sample No. 568-E.)

On or about June 3, 1940, the United States attorney for the Northern District of Georgia filed a libel against 81 cases of tomato catsup at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about January 18, 1940, by F. M. Ball & Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "All Good Brand Tomato Catsup."

On July 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**883. Adulteration of tomato catsup. U. S. v. 95 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 1486. Sample No. 67142-D.)

On February 17, 1940, the United States attorney for the District of Kansas filed a libel against 95 cases of tomato catsup at Dodge City, Kans., alleging that the article had been shipped in interstate commerce on or about November 4, 1939, by the Box Elder Packing Corporation from Brigham City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "La Vora Brand \* \* \* Distributed by Smith Canning Company, Clearfield, Utah."

On May 13, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

**884. Adulteration of tomato catsup. U. S. v. 182 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 2047. Sample No. 13166-E.)

On or about June 3, 1940, the United States attorney for the Eastern District of Washington filed a libel against 182 cases of tomato catsup at Walla Walla, Wash., alleging that the article had been shipped in interstate commerce on or about March 3, 1940, by Seiter's, Inc., from Post Falls, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Bottles) "Pheasant Brand Tomato Catsup Distributed by Wadhams and Company Portland, Oregon."

On July 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.