

or in part of a filthy substance. The article was labeled in part: "Gulf's Best Brand Turnip Greens."

On August 27, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2246. Adulteration of canned turnip tops with diced roots. U. S. v. 19 Cases of Turnip Tops with Diced Roots. Default decree of condemnation and destruction. (F. D. C. No. 4938. Sample No. 49099-E.)

The turnip tops in this product were infested with aphids.

On June 16, 1941, the United States attorney for the Southern District of Alabama filed a libel against 19 cases, each containing 24 No. 2 cans, of turnips and turnip tops at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about February 23, 1941, from St. Martinville, La., by Evangeline Pepper & Food Products; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Bulliard's Evangeline Brand Turnip Tops with Diced Roots."

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATO PRODUCTS

Nos. 2247 to 2250 report actions based on interstate shipment of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

2247. Adulteration of tomato puree and tomato catsup. U. S. v. Perry Canning Co. Plea of guilty. Fine, \$34. (F. D. C. No. 2917. Sample Nos. 6011-E, 6526-E, 6810-E, 70979-D, 97247-D, 97312-D, 97365-D, 97367-D to 97370-D, incl.)

On August 9, 1941, the United States attorney for the District of Utah filed an information against the Perry Canning Co., a corporation, Perry, Utah, alleging that within the period from on or about August 4, 1939, to February 16, 1940, the defendant delivered for introduction in interstate commerce into the States of Idaho and Wyoming quantities of tomato catsup that was adulterated, and that on or about May 18, 1940, the defendant introduced and delivered for introduction in interstate commerce a quantity of tomato puree that was adulterated. The articles were labeled in part: "Dreher's Tomato Purée * * * Packed for The Dreher Pickle Company Denver Colorado * * * 6 lbs. 8 cz."; "Gateway Brand Net Weight 1 Lb. 14 Oz. Tomato Catsup"; "Olson's Royal Brand * * * 1 Lb. 14 Oz. Tomato Catsup H. D. Olson and Son * * * Ogden Utah"; or "Nation's Garden Brand Tomato Catsup * * * 6 Lbs. 12 Oz. Packed for Fine Foods Inc. Seattle Minneapolis."

The tomato puree and a portion of the tomato catsup were alleged to be adulterated in that they consisted in whole or in part of decomposed substances; the remainder of the tomato catsup was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On August 9, 1941, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$25 on the first count and \$1 on each additional count, totaling \$34.

2248. Adulteration of tomato puree. U. S. v. 15 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 5150. Sample No. 5375-E.)

On July 15, 1941, the United States attorney for the Eastern District of Tennessee filed a libel against 15 cases, each containing 24 No. 2 cans, of tomato puree at Jellico, Tenn., alleging that the article had been shipped in interstate commerce on or about September 16 and October 12, 1940, by Morgan Packing Co. from Austin, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Scott Co. Brand Tomato Puree."

On August 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2249. Adulteration of tomato paste. U. S. v. 197 Cartons and 204 Cartons of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 3451, 3452. Sample Nos. 19965-E, 19969-E.)

On December 2, 1940, the United States attorney for the Western District of Pennsylvania filed libels against 401 cartons, each containing 10 cans, of tomato paste at Bradford, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about September 16 to on or about October 2, 1940, by the Helen Packing Corporation from North Collins, N. Y.; and charging that it was adulterated in that it consisted in whole or in

part of a decomposed substance. The article was labeled in part: (Cans) "Net Wt. 6 Oz. Ital-Ama Brand Tomato Paste with Sweet Basil."

On August 14 and 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2250. Adulteration of chili sauce. U. S. v. 135 Cases of Chili Sauce. Default decree of condemnation and destruction. (F. D. C. No. 4889. Sample Nos. 65043-E, 65050-E.)

On June 9, 1941, the United States attorney for the District of Colorado filed a libel against 135 cases, each containing 6 No. 10 cans, of chili sauce at Denver, Colo., which had been consigned by Norman L. Waggoner, Inc., alleging that the article had been shipped in interstate commerce on or about April 2, 1941, from Hemet, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Kern's Fancy Chili Sauce."

On August 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2251. Adulteration of chili sauce. U. S. v. 40 Cases of Chili Sauce. Default decree of condemnation and destruction. (F. D. C. No. 4880. Sample No. 60265-E.)

Examination showed that this product contained worm and insect fragments.

On June 5, 1941, the United States attorney for the Western District of Washington filed a libel against 40 cases, each containing 24 bottles, of chili sauce at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 3, 1941, by Tiedemann & McMorrin from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bottles) "Kern's Pure Chili Sauce - Net Wt. 12 Oz."

On August 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUIT PRODUCTS

2252. Adulteration and misbranding of vinegar. U. S. v. Robert H. Ball (Ball Products Co.). Plea of guilty. Fine, \$20. (F. D. C. No. 4145. Sample No. 29233-E.)

This product was adulterated and misbranded because distilled vinegar or dilute acetic acid had been substituted for cider vinegar, which it purported to be.

On June 21, 1941, the United States attorney for the Southern District of Ohio filed an information against Robert H. Ball, trading as Ball Products Co. at Dayton, Ohio, alleging shipment within the period from on or about November 26 to December 11, 1940, from the State of Ohio into the State of Kentucky of quantities of vinegar that was adulterated and misbranded. It was labeled in part: "Ball Brand Cider Vinegar."

The article was alleged to be adulterated (1) in that distilled vinegar or dilute acetic acid had been substituted in whole and in part for cider vinegar, which it purported to be; and (2) in that distilled vinegar or dilute acetic acid had been mixed or packed therewith so as to reduce its quality and strength.

It was alleged to be misbranded in that the statements "Superior Quality * * * Cider Vinegar Reduced to 4% Acidity," borne on the bottle label, were false and misleading since it was not of superior quality and did not consist of cider vinegar reduced to 4 percent acidity, but did consist in whole and in part of distilled vinegar or dilute acetic acid. It was alleged to be misbranded further in that it was offered for sale under the name of another food, i. e., cider vinegar.

On June 28, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$10 on each of the two counts of the information, totaling \$20.

2253. Adulteration of apple butter. U. S. v. 24 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 4387. Sample No. 55619-E.)

Examination of this product disclosed the presence of rodent hairs, spiders, and insect fragments.

On April 18, 1941, the United States attorney for the District of Oregon filed a libel against 24 cases, each containing 6 No. 10 cans, of apple butter at Portland, Oreg., alleging that the article had been shipped on or about March 20, 1941, by the Pacific Food Products Co. from Seattle, Wash.; and charging that it was