

seizure and condemnation of 325 cases of tomato sauce, at San Francisco, Calif., alleging that the article was being shipped in interstate commerce from San Francisco, Calif., to the Territory of Hawaii, leaving San Francisco December 3, 1924, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Spanish Style Tomato Sauce Packed And Guaranteed By Greco Canning Co. Inc. San Jose, California."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato sauce containing artificial color not declared upon the label.

On January 13, 1925, the Greco Canning Co., San Jose, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

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

**13088. Adulteration and misbranding of assorted jams. U. S. v. 58 Cases and 20 Cases of Jam. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18838. I. S. Nos. 17963-v, 17964-v, 17965-v, 17966-v, 17967-v, 17968-v, 17969-v, 17970-v, 17971-v, 17972-v, 17973-v, 17974-v. S. No. C-4434.)

On July 19, 1924, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 58 cases, containing 1 pound 6 ounce size bottles, and 20 cases, containing 2 pound 11 ounce size bottles, of assorted jams, remaining in the original unbroken packages at Davenport, Iowa, alleging that the articles had been shipped by the Best-Clymer Co., from St. Louis, Mo., on or about June 7, 1924, and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Bottle) "Tre-Vyn Brand \* \* \* Corn Syrup-Fruit Pectin Compound And Strawberry Jam" (or "Raspberry Jam" or "Blackberry Jam" or "Plum Jam" or "Loganberry Jam" or "Peach Jam" or "Pineapple Jam") "With Cane Sugar—Artificial Color & Phosphoric Acid Added \* \* \* The Best-Clymer Company, St. Louis, Mo."

Adulteration of the articles was alleged in the libel for the reason that an imitation product, with respect to the peach and pineapple jams, and an artificially colored imitation product, with respect to the remainder of the jams, had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality or strength, and had been substituted wholly or in part for the said articles. Adulteration was alleged with respect to the said products, with the exception of the said peach and pineapple jams, for the further reason that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements "Strawberry Jam," "Raspberry Jam," "Blackberry Jam," "Plum Jam," "Loganberry Jam," "Peach Jam," and "Pineapple Jam," borne on the labels of the respective products, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On October 2, 1924, all parties in interest having been declared in default, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be sold by the United States marshal. On October 30, 1924, the Best-Clymer Co., St. Louis, Mo., having appeared as claimant for the property and having applied for permission to relabel the condemned goods, it was ordered by the court that the products be released to the claimant upon the execution of a bond in the sum of \$500, conditioned in part that they be relabeled in compliance with law.

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