

13508. Adulteration and misbranding of tomato sauce. U. S. v. 250 Cases of Tomato Sauce. Product relabeled and costs assessed. (F. & D. No. 19440. I. S. No. 17108-v. S. No. E-5064.)

On December 27, 1924, the United States attorney for the Eastern District of Pennsylvania, 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 250 cases of tomato sauce, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hershel California Fruit Products Co., from San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about October 27, 1924, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Naples Style Tomato Sauce Contadina Brand With Basil * * * Packed By Hershel Cal. Fruit Prod. Co., San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, artificially colored tomato pulp or sauce, had been substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading, since the said article was composed of tomato sauce and artificially colored tomato paste or sauce.

On February 16, 1925, Harry Coroneos, Philadelphia, Pa., having appeared as claimant for the property and having relabeled the product in a manner satisfactory to this department, the costs of the proceedings were assessed against the said claimant.

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

13509. Adulteration of canned sardines. U. S. v. 17 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19977. I. S. No. 17425-v. S. No. E-5270.)

On April 13, 1925, the United States attorney for the Western District of Virginia, 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 17 cases of sardines, remaining in the original unbroken packages at Salem, Va., alleging that the article had been shipped by the Bayshore Sardine Co., from Columbia, Me., October (10), 1924, and transported from the State of Maine into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "B & S Brand American Sardines * * * Packed By Bayshore Sardine Co. Addison, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 9, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was subsequently ordered by the court that the product be destroyed by the United States marshal.

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

13510. Adulteration and misbranding of cottonseed meal. U. S. v. Planters Oil Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19293. I. S. Nos. 18226-v, 18228-v.)

On February 20, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Oil Co., a corporation, Albany, Ga., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about February 27 and March 22, 1924, respectively, from the State of Georgia into the State of Alabama, of quantities of cottonseed meal, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part: "Standard Cotton Seed Meal Guaranteed Analysis Ammonia, 7.00 percent * * * Protein, 36.00 percent Fibre 14.00 percent * * * Ingredients—Cotton Seed Meal and Hulls Manufactured By Planters Oil Co. Albany, Ga."

Examination by the Bureau of Chemistry of this department of a sample from the consignment of February 27, 1924, showed that it contained an appreciable amount of peanut hulls. Analyses of a sample from each of the two consignments showed that the said samples contained 6.76 per cent and 6.77