

13769. Adulteration and misbranding of tomato paste. U. S. v. 165 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20344. I. S. No. 3911-x. S. No. C-4808.)

On or about August 12, 1925, the United States attorney for the Eastern District of Louisiana, 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 165 cases of tomato paste, at New Orleans, La., alleging that the article had been shipped by the New Central Canning Co., Inc., from Buena Park, Calif., on or about July 7, 1925, and transported from the State of California into the State of Louisiana and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Kitty Brand Tomato Paste Net Contents 6 Oz. Salsa Di Pomodoro Packed By New Central Canning Co. Inc. Buena Park, Cal."

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

Misbranding was alleged for the reason that the statement, borne on the labels, "Tomato Paste Salsa Di Pomodoro," was false and misleading and deceived and misled the purchaser.

On August 13, 1925, the New Central Canning Co., Buena Park, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled, with the statement "Artificially Colored" appearing conspicuously on the label.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13770. Adulteration and misbranding of rice. U. S. v. 735 Bags of Rice. Product ordered released under bond. (F. & D. No. 19504. I. S. No. 3562-v. S. No. E-4910.)

On or about January 19, 1925, the United States attorney for the District of Porto Rico, 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 735 bags of rice, at San Juan, P. R., alleging that the article had been shipped by the American Rice Milling Co., New Orleans, La., on or about October 7, 1924, and transported from the State of Louisiana into the Territory of Porto Rico, and charging adulteration and misbranding in violation of the food and drugs act as amended.

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

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On September 2, 1925, the product having been theretofore released by order of the court to the claimant, the American Rice Milling Co., New Orleans, La., under the terms of a bond in the sum of \$3,200, conditioned that it be used for chicken feed, and the said claimant having established that a portion of the product had since been reconditioned and found by the proper authorities to be fit for human consumption, an amended decree was entered, authorizing that 627 sacks of the said product be sold for human food and that 45 sacks be sold for chicken feed.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13771. Adulteration and misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19914. I. S. No. 21297-v. S. No. E-5191.)

On March 23, 1925, the United States attorney for the District of Maryland, 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 300 sacks of cottonseed meal, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Ashcraft-Wilkinson Co., from Fremont, N. C., December 12, 1924, and