

**19253. Adulteration of tomato catsup. U. S. v. 60 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27296. I. S. No. 31637. S. No. 5477.)**

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 cases of tomato catsup, remaining in the original unbroken packages at Denver, Colo., consigned by the Smith Canning Co., Smith Siding, Utah, alleging that the article had been shipped on or about October 30, 1930, from West Point, Utah, and had been transported in interstate commerce from the State of Utah into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "West Point Brand Fancy Utah Catsup \* \* \* Packed by West Point Canning Co., West Point, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On January 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19254. Adulteration and misbranding of meat scraps and digester tankage. U. S. v. Packer Products Co. Pleas of guilty. Fines, \$560. (F. & D. Nos. 22545, 23729. I. S. Nos. 9365-X, 9366-X, 9367-X, 9368-X, 9370-X, 9371-X, 9373-X, 9374-X, 11964-X, 15661-X, 012901, 012903, 012904, 012905.)**

These actions involved various shipments of stock feed under the trade names of Honeymeade meat scraps, and Porker digester tankage. All shipments of the meat scraps were low in protein, i. e., containing less protein than labeled, and in certain shipments hoof meal and bone meal were found to be present in the article. The digester tankage was found to contain hoof meal, ground leather, or cocoa shells, one or more of these substances being present in all but one of the shipments; 3 of the 10 consignments of tankage were also found low in protein.

On April 17, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Packer Products Co., a corporation, Chicago, Ill. On September 12, 1929, a second information was filed against the said defendant. Both informations charged the defendant company with shipping in interstate commerce from Illinois into the States of Indiana and Ohio, in violation of the food and drugs act, on various dates between October 23, 1926 and July 27, 1928, quantities of meat scrap and digester tankage that were misbranded, and the greater portion of which were also adulterated. The articles were labeled in part: "Porker Digester Tankage" or "Honeymeade Meat Scraps." The labels of the articles bore further statements, the material portions of which are hereinafter quoted.

Adulteration was alleged with respect to portions of the said meat scraps for the reason that substances, hoof meal and bone meal, had been substituted in part for meat scraps; in that hoof meal and bone meal had been mixed and packed with the said meat scraps so as to reduce and lower and injuriously affect its quality and strength; and in that hoof and bone meal had been mixed with the article in a manner whereby its damage and inferiority were concealed. Adulteration was alleged with respect to portions of the digester tankage for the reason that substances, namely, hoof meal in one lot, ground leather scraps in certain lots, ground leather scraps and hoof meal in certain lots, and cocoa shells in certain lots, had been substituted for the said article; and in that one or more of said substances had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength. Adulteration was alleged with respect to one lot of the said tankage for the further reason that hoof meal had been mixed with the article in a manner whereby damage and inferiority were concealed.

Misbranding was charged against all shipments of the articles for the reason that certain statements appearing on the tags attached to the bags containing the articles were false and misleading in that the said statements