

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it was the product of a diseased animal.

On January 18, 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.*

**19274. Adulteration of canned tomato puree. U. S. v. 487 Cases and 2,190 Cases of Tomato Puree. Appearance, claim, and answer filed in each case. Product taken down under bond. Adulterated portions ordered destroyed. Remainder released. (F. & D. Nos. 26790, 26815. I. S. Nos. 13218, 13228. S. Nos. 4916, 4988.)**

Samples of canned tomato puree from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On July 13 and July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid two libels praying seizure and condemnation of 487 cases and 2,190 cases, respectively, of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Woods Cross Canning Co., in part on or about June 13, 1931, from Clearfield, Utah, and in part on or about September 20, 1930, from Woods Cross, Utah, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Clearfield Brand Tomato Puree Packed by Woods Cross Canning Co., Woods Cross, Utah."

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

The Arthur P. Jacobs Co. (Inc.), Los Angeles, Calif., entered an appearance in the action involving 487 cases of the product, and S. E. Rykoff & Co., a copartnership, Los Angeles, Calif., entered an appearance in the action involving 2,190 cases. The said claimants in their respective answers admitted the material allegations of the libels, prayed that the product be released for separation by means of certain identifying code markings, and filed bonds conditioned that the article should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or other laws. On January 7, 1932, bonds in the total sum of \$3,000 having been filed by the claimants, and the adulterated portions having been separated from the unadulterated portions under the supervision of this department, decrees were entered ordering that the adulterated portions in both actions, consisting of 756 cases and 3 cans be destroyed, and that the remainder consisting of 1,853 cases and 6 cans (the amount seized was somewhat less than the amount covered by the libels), be released to the claimants in the proportion to which they were entitled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19275. Adulteration of cabbage. U. S. v. 455 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27608. I. S. No. 42969. S. No. 5652.)**

Arsenic having been found on the cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 26, 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 455 hampers of cabbage, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Manatee Fruit Co., from Palmetto, Fla., on or about December 16, 1931, and had been transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On December 29, 1931, 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.*