

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

On February 5, 1932, no claimant having appeared for the property, judgment of condemnation 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.*

19330. Adulteration of tomato puree. U. S. v. 24 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27248. I. S. No. 44791. S. No. 5426.)

Samples of tomato puree 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 Northern District of West Virginia.

On November 23, 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 24 cases of tomato puree, remaining in the original cans at Parkersburg, W. Va., alleging that the article had been shipped on or about August 21, 1931, by the Wooster Preserving Co. from Wooster, Ohio, and had been transported in interstate commerce from the State of Ohio into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Cedar Valley Brand Puree * * * Red Ripe Tomatoes. Packed by The Wooster Preserving Co., Wooster, Ohio."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance unfit for food.

On January 14, 1932, no claimant having appeared, 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.*

19331. Misbranding of canned citrus fruit juices. U. S. v. 50 Cases of Pomorang Blended Citrus Fruit Juices. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26522. I. S. No. 12548. S. No. 4828.)

Examination showed the presence of a large amount of sugar in the canned citrus fruit juices involved in this action and the cans were found to contain less than the declared volume.

On June 27, 1931, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cases of Pomorang blended citrus fruit juices, remaining in the original unbroken packages at Spokane, Wash., alleging that the article had been shipped by the Florida Fruit Cannery (Inc.), of Frostproof, Fla. (from Tampa, Fla.), on or about April 17, 1931, and had been transported in interstate commerce from the State of Florida into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Pomorang Brand Slightly Sweetened Blended Pure Citrus Fruit Juice Contents 8 fl. oz. Florida Fruit Cannery Inc. Divn. of L. Maxcy, Inc., Frostproof Florida."

It was alleged in the libel that the article was misbranded in that the statements, "Slightly sweetened blended pure citrus fruit juices" and "Contents 8 fl. oz.," were false and misleading, and deceived and misled the purchaser when applied to an article containing approximately as much added sugar as it contained sugar normal to citrus fruits, and in which the cans contained less than the declared volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was incorrect.

On July 23, 1931, A. T. Amos & Co., Seattle, Wash., 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 costs and the execution of a bond in the sum of \$150, conditioned in part that it be relabeled in a manner satisfactory to this department, and that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*