

**19581. Misbranding of Spanish style hot sauce. U. S. v. Greco Canning Co. (Inc.). Plea of guilty. Fine, \$20. (F. & D. No. 27507. I. S. No. 12551.)**

This action was based on the interstate shipment of a quantity of canned Spanish Style hot sauce in which the cans, upon examination, were found to contain less than 8 ounces net, the declared weight.

On March 18, 1932, the United States attorney for the Northern District of California, 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 Greco Canning Co. (Inc.), a corporation, trading at San Jose, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 17, 1931, from the State of California into the State of Washington, of a quantity of the said Spanish style hot sauce that was misbranded. The article was labeled in part: (Can) "Pep Spanish Style Hot Sauce \* \* \* Net Contents 8 Oz. Packed by Greco Canning Co., Inc., San Jose, Calif."

It was alleged in the information that the article was misbranded in that the statement "Net Contents 8 Oz.," borne on the can label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans did not contain 8 ounces net, but did contain a less amount. 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 package, since the statement made was incorrect.

On March 28, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19582. Adulteration of tomato pulp. U. S. v. 5,588 Cans of Tomato Pulp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27690. I. S. Nos. 44841, 50137, 50600. S. No. 5678.)**

Samples of canned tomato pulp from the shipment involved in this action having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about January 28, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5,588 cans of tomato pulp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 28, 1931, by the Wabash Valley Canning Co., from Attica, Ind., to Chicago, Ill., 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 consisted in part of a decomposed vegetable substance.

On March 12, 1932, the Wabash Valley Canning Co., Chicago, Ill., claimant, having admitted the allegations of the libel 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 \$2,000, conditioned in part that it be salvaged under the supervision of this department and should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19583. Adulteration and misbranding of canned sardines. U. S. v. 41 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27728. I. S. No. 22547. S. No. 5816.)**

This action involved an interstate shipment of canned sardines, samples of which were found to be decomposed. The statement of the quantity of contents appearing on the label was not plain and conspicuous.

On February 8, 1932, the United States attorney for the Western 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 41 cases of the said canned sardines, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 11, 1932, by MacNichol & Co. from San Francisco, Calif., to Seattle, Wash., and charging

adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Spellmon Brand Smoked California Sardines Product U. S. A. net weight 5 oz. metric equivalent 141 grams Toyo Fisheries Wilmington, California." The statement of the quantity of the contents was placed inconspicuously on the cans.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal 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 marked on the outside of the package.

On March 15, 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.*

**19584. Adulteration of dried grapes. U. S. v. 125 Cases of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27743. I. S. No. 32507. S. No. 5825.)**

This action involved the interstate shipment of a quantity of dried grapes which, upon examination, were found to be in part dirty and insect-infested.

On February 11, 1932, the United States attorney for the Western 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 125 cases of the said dried grapes, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 30, 1932, by the Bonner Packing Co., from Fresno, Calif., to Seattle, Wash., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Bonner's Dried Alicante Grapes Packed by Bonner Packing Co., Fresno, California."

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

On March 15, 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.*

**19585. Adulteration of apples. U. S. v. 660 Baskets of Apples. Product adjudged adulterated and ordered released under bond. (F. & D. No. 27689. I. S. No. 31921. S. No. 5776.)**

Arsenic and lead having been found on samples of apples taken from the interstate shipment involved in this action, the Secretary of Agriculture reported the matter to the United States attorney for the District of Nebraska.

On February 1, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 660 baskets of apples at Omaha, Nebr., alleging that the article had been shipped in interstate commerce, on or about January 14, 1932, by D. T. Sleep, from Ontario, Oreg., to Omaha, Nebr., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Winesap Grown Packed and Shipped by D. T. Sleep, Ontario, Oregon."

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

N. H. Nelson & Co. entered an appearance and claim for the property, admitted the allegations of the libel and consented that judgment might be entered for the condemnation and forfeiture of the product. On February 2, 1932, a decree was entered finding the product adulterated and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, and all other laws. It was further ordered by the court that the claimant cause the apples to be washed or wiped, or reconditioned in any manner which would remove the poisonous or deleterious ingredients.

ARTHUR M. HYDE, *Secretary of Agriculture.*