

On September 12, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20079. Misbranding of canned tomatoes. U.S. v. 230 Cases, et al., of Canned Tomatoes. Decrees of condemnation entered. Product released under bond to be relabeled. (F. & D. Nos. 28557, 28679. Sample Nos. 7181-A, 13377-A.)**

These cases involved the shipment of guaranties of canned tomatoes that contained excessive peel and were not labeled to indicate that they were sub-standard. It was represented on the label that the article was packed in Miami, Fla., whereas it was packed in Crystal Springs, Miss.

On July 30 and August 16, 1932, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 230 cases and 198 cases, respectively, of canned tomatoes. The libel filed July 30 was amended to read 450 cases, the libels after said amendment covering a total of 648 cases. It was alleged in the libels that the article had been shipped in interstate commerce on or about July 20 and July 21, 1932, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., that it remained in the original unbroken packages in various lots at Litcher, Donaldsonville, White Castle, Plaquemine, Baton Rouge, Morgan City, New Iberia, Lafayette, Thibodaux, Houma, and New Orleans, La., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Orla Brand Standard Pack Tomatoes \* \* \* Packed in Miami, Fla."

Misbranding was alleged in the libels for the reason that the statements on the label, "Standard Pack \* \* \* Packed in Miami, Fla.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of the presence therein of excessive peel, and the package or label did not bear a plain and conspicuous statement described by the Secretary, indicating that such canned food fell below such standard.

On August 16 and August 27, 1932, the Uddo-Taormina Corporation, a corporation organized under the laws of Delaware, having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were 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 bonds totaling \$2,350, conditioned that it be relabeled under the supervision of this Department, and further conditioned that it should not be sold or disposed of until inspected and found to be in compliance with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20080. Adulteration of crab meat. U.S. v. 275 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28645. Sample No. 15916-A.)**

This action was based on the interstate shipment of a quantity of crab meat, samples of which were found to contain filth.

On August 11, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 275 cans of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about August 8, 1932, by F. P. Long & Co., from St. Michaels, Md., to Philadelphia, Pa., 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 wholly or in part of a filthy animal substance.

On August 31, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*