

the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food because of poor color, the presence of excessive amounts of peel, and the fact that portions were not in whole or large pieces; and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On September 9, 1932, the Hazlehurst Canning Co., Inc., Hazlehurst, Miss., 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 \$1,650, 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.*

20133. Misbranding of butter. U.S. v. 7 Boxes of Butter. Default decree of condemnation and destruction. (F. & D. No. 28379. Sample No. 13104-A.)

This action involved the shipment of a quantity of butter, sample packages of which were found to contain less than 1 pound, the declared weight.

On or about June 6, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court for the district aforesaid, holding a district court, a libel praying seizure and condemnation of 7 boxes, each containing thirty 1-pound prints of butter, remaining in the original packages at Washington, D.C., alleging that the article had been shipped on or about May 24, 1932, by the Union Produce Co., Whitewater, Wis., and had been transported from the State of Wisconsin into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrappers) "One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement "One Pound Net", borne on the wrapper, was false and misleading and deceived and misled the purchaser. 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 quantity stated was not correct.

On September 19, 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.*

20134. Adulteration and misbranding of tomato paste. U.S. v. 225 Cases of Tomato Paste. Decree of condemnation entered. Product released under bond. (F. & D. No. 28525. Sample No. 7180-A.)

This action involved a quantity of alleged tomato paste that was not sufficiently concentrated to be called tomato paste. Sample cans of the product were also found to contain less than the declared weight.

On July 27, 1932, the United States attorney for the Eastern District of Louisiana, 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 225 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 20, 1932, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Net contents 5 oz. Baby Brand Tomato Paste Color Added * * * Uddo-Taormina Corporation, New Orleans, La."

It was alleged in the libel that the article was adulterated in that an insufficiently concentrated strained tomato product had been substituted for tomato paste, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Net contents 5 oz. * * * Tomato Paste", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it 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.