

20447. Misbranding of canned tomatoes. U. S. v. 152 Cases, et al., of Canned Tomatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 27998, 27999. I. S. nos. 46281, 46282. S. nos. 6026, 6036.)

These actions involved the interstate shipments of quantities of canned tomatoes which fell below the standard promulgated by the Secretary of Agriculture, and which were not labeled to indicate that the product was sub-standard.

On April 25, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 52 cases of canned tomatoes at Seymour, Tex., and 152 cases of canned tomatoes at Wichita Falls, Tex., alleging that the article had been shipped by Baron Canning Co., Fort Smith, Ark., the former on or about September 13, 1931, and the latter on or about November 18, 1931, and had been transported from the State of Arkansas into the State of Texas, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Baron Brand Tomatoes. * * * Packed by Baron Canning Co., Baron, Oklahoma."

It was alleged in the libels that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it contained excessive peel and was below the standard for color of canned tomatoes, and the label failed to bear a plain and conspicuous statement indicating that it was below such standard.

On November 22, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

20448. Adulteration of cauliflower. U. S. v. 100 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29217. Sample no. 20479-A.)

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic in an amount which might have rendered it injurious to health.

On October 21, 1932, the United States attorney for the District of Connecticut, 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 100 crates of cauliflower at New Haven, Conn. It was alleged in the libel that the article had been shipped by I. M. Young, from Riverhead, Long Island, N. Y., on or about October 18, 1932, that it had been transported from the State of New York into the State of Connecticut, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On November 7, 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.*

20449. Adulteration of cauliflower. U. S. v. 120 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29218. Sample nos. 22375-A, 22378-A.)

This action involved the interstate shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 20, 1932, the United States attorney for the District of Maryland, 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 120 crates of cauliflower at Baltimore, Md. It was alleged in the libel that the article had been shipped by I. M. Young & Co., from Calverton, N. Y., on or about October 17, 1932, that it had been transported from the State of New York into the State of Maryland, and that it was adulterated in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.