

court a libel praying seizure and condemnation of 211 cases of tomatoes at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about February 16, 1934, by the Johnson Canning Co., from Johnson, Ark., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cream of the Valley Brand Tomatoes * * * Johnson Canning Co., * * * Johnson, Ark."

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

On June 12, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22750. Adulteration of tomato puree. U. S. v. 3,200 Dozen Cans of Tomato Puree. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 32516. Sample no. 67786-A.)

This case involved a shipment of tomato puree, samples of which were found to contain mold.

On April 9, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,200 dozen cans of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 12 and November 6, 1933, by the North East Preserving Works, Inc., from North East, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Connoisseur Tomato Puree * * * Packed for Jules Weber Incorporated, New York."

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

On June 8, 1934, the North East Preserving Works, Inc., 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 claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that the unfit portion be segregated and destroyed or denatured, under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22751. Adulteration and misbranding of confectionery. U. S. v. 36 Boxes of Confectionery. Default decree of forfeiture and destruction. (F. & D. no. 32521. Sample no. 65856-A.)

This case involved a product labeled "Cordials (Not a Confection)." The article was in fact confectionery containing alcohol.

On April 11, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 boxes of confectionery at Danville, Ill., alleging that the article had been shipped in interstate commerce on or about March 31, 1934, by C. A. Stagg, from Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained spirituous liquor.

Misbranding was alleged under the provisions of the law relating to food, in that the statement on the label, "Cordial (Not a Confection)", was false and misleading and tended to deceive and mislead the purchaser.

On July 6, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22752. Adulteration of apple butter. U. S. v. 50 Cases, et al., of Apple Butter. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 32522, 32523, 32524. Sample nos. 1101-A, 1102-A, 1103-A.)

These cases involved interstate shipments of apple butter that was found to contain arsenic and lead.

On April 9, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court libels praying seizure and condemnation of 325 cases of apple butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, in part on or about January 20, 1934, by Arriss, Campbell & Gault, from Tacoma, Wash., and in part on or about February 24, 1934, by the Pacific Northwest Canning Co., of Puyallup, Wash., from Tacoma, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: New mark Brand * * * Apple Butter Packed For [or "Distributed by"] M. A. Newmark & Co. Los Angeles." The remainder was labeled: "Skookum Brand Apple Butter * * * Pacific Northwest Canning Co Puyallup Wash Distributors."

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

On July 11, 1934, Hunt Bros. Packing Co., San Francisco, Calif., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon the filing of bonds totaling \$1,000 conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22753. Misbranding of salad oil. U. S. v. 299 Cans of Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32531. Sample no. 69701-A.)

This case involved a product consisting largely of domestic cottonseed oil which was labeled to convey the impression that it was olive oil.

On or about April 12, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 299 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about February 24, 1934, by V. Buonocore, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was misbranded in that the statements, "Olio Finissimo" and "Fine Oil", and the designs of leaves and branches suggestive of olive branches, appearing on the can label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was olive oil, whereas it consisted largely of domestic cottonseed oil, and this impression was not corrected by the very inconspicuous statement appearing on the label, "Superlative quality eighty per cent of vegetable oil * * * Combined with twenty per cent pure olive oil."

On June 11, 1934, V. Buonocore, Inc., 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 claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be emptied into drums and properly labeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22754. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Petition for release denied. Decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 32545. Sample no. 66609-A.)

This case involved a shipment of potatoes which were represented to be United States grade No. 1, but which fell below the said grade because of excessive grade defects.

On April 18, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about April 7, 1934, by the Idaho Sales Co., from Jerome, Idaho, consigned to Denver, Colo., and diverted to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. No. 1 Selected Idaho Mountain Grown Potatoes."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted for the article.

Misbranding was alleged for the reason that the statement "U. S. No. 1", borne on the label, was false and misleading, and tended to deceive and mislead the purchaser.