

On June 27 and September 7, 1934, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court informations against Raab's Blue Ribbon Products, Inc., a corporation, Williamstown, N. J., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of August 14, 1933, and October 10, 1933, from the State of New Jersey into the State of Pennsylvania of quantities of tomato catsup that was adulterated, and of a quantity of the same product that was misbranded. The article was labeled in part, variously: "Blue Ribbon Brand Tomato Catsup * * * Raab's Blue Ribbon Products Incorporated. Williamstown, N. J."; "Ensslen's Brand Tomato Catsup Rudolph Ensslen Sons * * * Reading, Pa."; "Aunt Ann's Catsup * * * prepared for Davies-Strauss-Stauffer Co., Allentown-Easton-East Stroudsburg, Pa." One shipment of the Blue Ribbon brand was contained in jugs with the statement "One Gallon" blown in the jug, and the statement "Contents 14 ozs." printed on the label.

Adulteration of the article in all shipments, with one exception, was alleged in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged with respect to one shipment for the 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 quantity of the contents was more than 14 ounces, the amount printed on the label, and was less than 1 gallon, the amount blown in the jug.

On November 19, 1934, pleas of guilty to both informations were entered on behalf of the defendant company, and the court imposed fines totaling \$15.

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

24016. Adulteration and misbranding of tomato paste. U. S. v. 172 Cases, et al., of Tomato Paste. Decrees of condemnation and forfeiture. Portion of product released under bond; remainder destroyed. (F. & D. nos. 33099, 33138, 33139, 33140. Sample nos. 3976-B, 4122-B.)

These cases involved a product which was represented to be tomato paste, but which was found to consist of a strained tomato product insufficiently concentrated to be designated as tomato paste.

On July 20, 27, and 30, 1934, the United States attorneys for the Eastern and Western Districts of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 255 cases of tomato paste in various lots at Plaquemine, New Iberia, and Abbeville, La., alleging that the article had been shipped in interstate commerce, in part on or about June 26, 1934, and in part on or about July 11, 1934, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Conco Brand Tomato Paste * * * Conserva Di Pomodoro Packed for Consolidated Companies Inc. Plaquemine La."

The article was alleged to be 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 article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to portions of the product for the reason that the statements, "Tomato Paste" and "Conserva Di Pomodoro", were false and misleading and tended to deceive and mislead the purchaser.

On November 19, 1934, the Uddo-Taormina Corporation having appeared as claimant for the lots libeled in the Eastern District of Louisiana, and having admitted the allegations of the said libels, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it be properly relabeled. On January 7, 1935, no claimant having appeared for the lot libeled in the Western District of Louisiana, judgment of condemnation was entered, and it was ordered that the said lot be destroyed.

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

24017. Misbranding of peanut butter. U. S. v. 9½ Dozen Jars and 9½ Dozen Jars of Peanut Butter. Default decrees of condemnation and destruction. (F. & D. nos. 33174, 33297. Sample nos. 6591-B, 6976-B.)

Sample jars of peanut butter taken from the two shipments involved in these cases were found to contain less than the declared weight. In one of the lots the quantity of the contents was not properly declared, since the label bore