

24211. Misbranding of canned mixed vegetables. U. S. v. 154 Cases of Canned Mixed Vegetables. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32869. Sample no. 67794-A.)

This case involved an interstate shipment of canned vegetables which were labeled to convey the impression that the varieties pictured on the label were present in appreciable amounts. Examination showed that a large proportion of the product consisted of two vegetables, carrots and potatoes, and that certain vegetables depicted on the label were entirely absent or present in relatively small amounts.

On May 2, 1934, the United States attorney for the Eastern 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 154 cases of canned mixed vegetables at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 16, 1934, by the Fairmont Canning Co., from Fairmont, Minn., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gerbro Brand Vegetables * * * Gerber Bros. Distributors, Brooklyn, N. Y."

The article was alleged to be misbranded in that the design on the label, a vignette which included prominent pictorial representations of string beans, lima beans, asparagus, peas, carrots, and a pimiento, was false and misleading and tended to deceive and mislead the purchaser since approximately 60 percent of the product consisted of carrots and potatoes, and it contained no string beans or asparagus and but a small amount of peas and lima beans.

On January 21, 1935, Gerber Bros., Brooklyn, N. Y., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

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

24212. Adulteration of tomato paste. U. S. v. 67 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 32845. Sample no. 69759-A.)

This case involved an interstate shipment of tomato paste which was found to contain excessive mold.

On June 12, 1934, the United States attorney for the Eastern 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 67 cases of canned tomato paste at Brooklyn, N. Y., consigned by the Italian Food Products Co., Inc., Long Beach, Calif., alleging that the article had been shipped in interstate commerce on or about December 4, 1933, and January 31, 1934, from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Campania Brand Concentrated Tomato Paste * * * Packed by Italian Food Products Co. Inc. Long Beach, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 11, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24213. Misbranding of bread. U. S. v. Continental Baking Co. Plea of nolo contendere. Fine, \$30. (F. & D. no. 32888. Sample nos. 1743-A, 49033-A, 49037-A.)

This case was based on interstate shipments of bread which was misbranded because of failure to declare the true quantity of the contents, sample loaves having been found to contain less than the declared weight.

On August 17, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Continental Baking Co., a corporation trading at Spokane, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 25, 1932, and September 12 and September 21, 1933, from the State of Washington into the State of Idaho, of quantities of bread which was misbranded. The article was labeled in part: "Wonder-Cut Bread Weight 1½ Lbs. * * * Continental Baking Company."

The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on