

article was labeled in part: "Sunsweet Nature Flavored Tree Ripened Prunes, \* \* \* California Prune and Apricot Growers Association, San Jose, Calif."

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

On February 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24444. Adulteration and misbranding of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35030. Sample no. 21570-B.)**

This case involved canned tomato paste that contained excessive mold and which was colored with artificial color which was not conspicuously declared on the label.

On or about January 30, 1935, 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 10 cases of tomato paste at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about November 26, 1934, by the Brocton Preserving Co., from Brocton, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fedora Italian Style Tomato Paste \* \* \* Salsa Pura Di Pomodoro Harmless Color Added Packed by Brocton Preserving Co. Brocton, New York."

The article was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed, and in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements, "Tomato Paste" and "Salsa Pura Di Pomodoro", were false and misleading and tended to deceive and mislead the purchaser when applied to artificially colored tomato paste, and this misbranding was not corrected by the inconspicuous vertical declaration, "Harmless Color Added", appearing on one side panel of the label.

On April 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24445. Adulteration of canned mackerel. U. S. v. 23 Cases of Canned Mackerel. Default decree of condemnation and destruction. (F. & D. no. 35031. Sample no. 12783-B.)**

This case involved canned mackerel that was in part decomposed.

On February 6, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of canned mackerel at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 17, 1935, by Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Best Ever Brand Prime Catch Fresh Mackerel \* \* \* Certified Sea Foods Corp., San Francisco, Distributors."

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

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

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

**24446. Adulteration of canned shrimp. U. S. v. 213 Cases and 531 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond, conditioned that decomposed portion be segregated and destroyed. (F. & D. no. 35032. Sample nos. 29272-B, 29273-B.)**

This case involved a shipment of canned shrimp which was in part decomposed.

On or about February 5, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court 744 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4, 1934, by the J. H. Pelham Co., from Pascagoula, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: