

On March 8, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of tomato paste at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 19, 1935, by the Helen Packing Corporation, from North Collins, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Mountain Tomato Paste \* \* \* Blue Mountain Sales Co. Distributors, Providence, R. I. Color Added."

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

Misbranding was alleged for the reason that the article purported to be a foreign product because of the design on the label of pear-shaped tomatoes which are characteristic of the imported article; whereas it was not an imported article.

On March 29, 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.*

**24473. Adulteration and misbranding of tomato paste. U. S. v. 6 Cases, et al., of Tomato Paste. Default decree of condemnation and destruction. (F. & D. nos. 35122, 35284. Sample nos. 15047-B, 23936-B.)**

These cases involved shipments of tomato paste that was adulterated because it contained excessive mold and was misbranded because it was a domestic product and was labeled to convey the impression that it was of foreign origin.

On February 14, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 cases and 15 cans of tomato paste at Steubenville, Ohio. On March 21, 1935, a libel was filed in the Northern District of Ohio against 22 cases of the product at Youngstown, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce on or about September 19 and November 21, 1934, by the Helen Packing Corporation, from North Collins, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Ital-Ama Brand Tomato Paste \* \* \* Packed by Helen Packing Corp. North Collins, N. Y."

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

Misbranding was alleged for the reason that the statements "Ital-Ama", "Uso-Napoli", and "Naples Style", were misleading and tended to deceive and mislead the purchaser, in that they were suggestive that the article was of foreign origin; whereas it was not, and this suggestion was not corrected by a statement on the side panel indicating the domestic source of the product.

On April 22 and June 4, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**24474. Adulteration of canned tomato paste. U. S. v. 15 Cases, et al., of Tomato Paste. Default decrees of destruction. (F. & D. nos. 35218, 35294. Sample nos. 15049-B, 23942-B.)**

These cases involved canned tomato paste that contained excessive mold.

On March 5, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of tomato paste at Pittsburgh, Pa. On March 22, 1935, a libel was filed in the Northern District of Ohio against 14½ cases of tomato paste at Youngstown, Ohio. The libels charged that the article had been shipped in interstate commerce on or about September 29, 1934, and February 7, 1935, by the Helen Packing Corporation, from North Collins, N. Y., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Ital-Ama Brand Tomato Paste \* \* \* Packed by Helen Packing Corp. North Collins, N. Y."

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

On June 3 and June 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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