

24860. Adulteration of tomato pulp. U. S. v. 6,000 Cans of Tomato Pulp. Default decree of condemnation and destruction. (F. & D. no. 35275. Sample no. 31821-B.)

This case involved a shipment of tomato pulp that contained excessive mold.

On March 20, 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 a libel praying seizure and condemnation of 6,000 cans of tomato pulp at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 11, 1934, by the Gaston Canning Co., from Gaston, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Heavy Tomato Pulp * * * Gaston Canning Company, Gaston, Ind."

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

On July 29, 1935, the case having been called for final disposition and the Gaston Canning Co., the sole intervenor, having failed to answer or plead, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24861. Misbranding of canned tomatoes. U. S. v. 161 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 35277. Sample no. 27298-B.)

This case involved a shipment of canned tomatoes which fell below the standard established by this Department because it was slack-filled, and which was not labeled to indicate that it was substandard.

On March 20, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 161 cases of canned tomatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 29, 1935, by J. S. Mitchell, from Windfall, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Little Sport Brand Tomatoes * * * Distributed by John S. Mitchell, Inc., Windfall, Ind."

The article was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture because of excessive headspace, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 6, 1935, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24862. Misbranding of meat and bone. U. S. v. 25 Bags of Meat and Bone. Default decree of condemnation and sale. (F. & D. no. 35286. Sample no. 9552-B.)

This case involved a shipment of meat and bone which contained less than 50 percent of protein, the amount declared on the label.

On or about March 22, 1935, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bags of meat and bone at Lexington, Va., alleging that the article had been shipped in interstate commerce on or about November 16, 1934, by the Mutual Rendering Co., Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mureco meat and bone guaranteed analysis protein 50%."

The article was alleged to be misbranded in that the statement above quoted appearing in the labeling was false and misleading and deceived and misled the purchaser, since the article was labeled to indicate that it contained 50 percent of protein; whereas it contained 46.35 percent of protein.

On June 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be sold.

W. R. GREGG, *Acting Secretary of Agriculture.*

24863. Adulteration of dried pears. U. S. v. 140 Cases of Dried Pears. Consent decree of condemnation. Product released under bond. (F. & D. no. 35312. Sample nos. 13023-B, 21941-B.)

This case involved a shipment of dried pears which were in part dirty and worm-infested.

On March 30, 1935, 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 140 cases of dried pears at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 15, 1935, by the California Packing Corporation, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On June 20, 1935, the California Packing Corporation, claimant, 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 the decomposed portion be segregated and destroyed or denatured.

W. R. GREGG, *Acting Secretary of Agriculture.*

24864. Adulteration and misbranding of canned apricots. U. S. v. 18 Cases of Canned Apricots. Default decree of condemnation and destruction. (F. & D. no. 35342. Sample no. 20047-B.)

This case involved an interstate shipment of canned apricots which fell below the standard established by this Department, and which were not labeled to indicate that they were substandard. The product also had a strong metallic flavor which rendered it inedible.

On April 8, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of canned apricots at Ontario, Oreg., alleging that on or about December 20, 1934, the Idaho Canning Co. sold, shipped, and consigned the article from Payette, Idaho, via truck of the Ontario Grocery Co., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Seven Devils Brand Apricots A Pure Food Product * * * Packed by Idaho Canning Co. Payette, Idaho."

The article was alleged to be adulterated in that a substance having a strong metallic flavor rendering it inedible had been substituted for edible canned apricots.

Misbranding was alleged for the reason that the statement "A pure food product", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not normal and uniform in size or in unbroken halves, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

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

W. R. GREGG, *Acting Secretary of Agriculture.*

24865. Adulteration of tomato pulp. U. S. v. 31 Cases of Tomato Pulp. Default decree of condemnation and destruction. (F. & D. no. 35345. Sample no. 11507-B.)

This case involved an interstate shipment of tomato pulp that contained excessive mold.

On April 5, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 cases of tomato pulp at Houston, Tex., alleging that the article had been shipped in interstate commerce, on or about February 8, 1935, by A. W. Sisk & Son, from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Zo Ray Brand Tomato Pulp * * * W. H. Neal and Sons Inc. Hurlock Md Distributors."

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

On June 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*