

24866. Adulteration of tomato puree. U. S. v. 6,054 Cans of Tomato Puree. Decree of condemnation and destruction. (F. & D. no. 35362. Sample no. 29322-B.)

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

On April 13, 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 6,054 cans of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 22, 1934, by the Lake Odessa Canning Co., from Lake Odessa, Mich., and charging adulteration in violation of the Food and Drugs Act.

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

On July 29, 1935, no answer having been filed by the sole claimant, the Lake Odessa Canning Co., judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24867. Adulteration of olives. U. S. v. 10 Barrels of Olives. Default decree of condemnation and destruction. (F. & D. no. 35363. Sample no. 12719-B.)

This case involved a shipment of olives which were in part decomposed.

On April 19, 1935, the United States attorney for the Northern 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 10 barrels of olives at Schenectady, N. Y., alleging that the article had been shipped in interstate commerce on or about March 12, 1934, by C. Pappas, from Boston, Mass., and charging adulteration in violation of the Food and Drugs Act.

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

On June 3, 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.*

24868. Misbranding of canned cherries. U. S. v. 375 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35364. Sample nos. 13069-B, 13090-B, 26493-B.)

This case involved an interstate shipment of canned cherries which fell below the standard established by this Department because of the presence of excessive pits, and which were not labeled to indicate that they were substandard.

On April 9, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 375 cases of canned cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 1, 1935, by the Puyallup & Sumner Fruit Growers Association, from Tacoma, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mountain Home Brand water pack red sour pitted cherries * * * Haas Brothers, San Francisco, Oakland, Fresno, Cal. distributors."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of excessive pits, 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 7, 1935, the Puyallup & Sumner Fruit Growers Association, 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 it be relabeled.

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

24869. Adulteration and misbranding of ground marjoram. U. S. v. 1 Package and 1 Drum of Ground Marjoram. Default decree of condemnation and destruction. (F. & D. no. 35386. Sample nos. 21648-B, 21649-B.)

This case involved an interstate shipment of ground marjoram which contained an excessive amount of earthy material.

On April 15, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of one package and one drum of ground marjoram at Jersey City, N. J., alleging that the article had been shipped in interstate commerce in part on or about March 14, 1935, and in part on or about March 27, 1935, by B. Fischer & Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Ground Marjoram"; (drum) "Fischer Mills Pure Marjoram."

The article was alleged to be adulterated in that earthy material had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Marjoram" and "Pure Marjoram", appearing on the respective labels, were false and misleading and tended to deceive and mislead the purchaser, when applied to an article containing earthy material. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, marjoram.

On July 13, 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.*

24870. Adulteration of olives. U. S. v. 8 Barrels, et al., of Olives. Default decree of condemnation and destruction. (F. & D. no. 35388. Sample no. 13058-B.)

This case involved an interstate shipment of olives which were in large part moldy or fermented.

On April 15, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight full barrels and one partly filled barrel of Greek-style olives at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 26, 1935, by the California Olive Oil Manufacturing Co., from Stockton, 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 decomposed vegetable substance.

On August 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.*

24871. Adulteration of olives. U. S. v. 15 Barrels of Olives. Default decree of condemnation and destruction. (F. & D. no. 35396. Sample no. 12951-B.)

This case involved an interstate shipment of olives which were in large part moldy.

On April 17, 1935, the United States attorney for the Eastern 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 barrels of olives at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 13, 1935, by the V. R. Smith Olive Co., from Lindsay, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Medium Greeks * * * From V. R. Smith Olive Company Lindsay, California."

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

On August 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.*

24872. Adulteration of butter. U. S. v. 46 Cases, et al., of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 35407, 35408. Sample nos. 22638-B, 22639-B, 22640-B, 28493-B.)

These cases involved shipments of butter, samples of which were found to contain mold, hairs, parts of insects, and other extraneous matter.

On April 11 and April 15, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 141 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 4, 1935, by Swift & Co., from Fort Worth, Tex.,