

25154. Adulteration of tomato paste. U. S. v. 24 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35800. Sample no. 26883-B.)

Samples of tomato paste from the shipment involved in this action having been found to contain worm debris, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On August 5, 1935, the United States attorney filed in the district court a libel praying seizure and condemnation of 24 cases of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 13, 1935, by the Howard Terminal, Oakland, Calif., from Oakland, Calif., to Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Contadina Brand Tomato Paste Net Weight 6 Lbs. 6 oz. Prepared from Fresh Ripe Tomatoes Harmless color and Sweet Basil Packed by Hershel California Fruit Products Company San Jose, Calif."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 23, 1935, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

25155. Adulteration and misbranding of evaporated apples and adulteration of dried apricots and peaches. U. S. v. Rosenberg Bros. & Co., a corporation. Plea of guilty. Fine, \$250. (F. & D. no. 29382. I. S. nos. 31348, 32417, 37299.)

This action was based on interstate shipments of evaporated apples, apricots, and peaches, the first of which had been found to contain excessive moisture, the second and third of which had been found to be infested with worms and filth.

On January 12, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against Rosenberg Bros. & Co., a corporation, alleging two shipments by said defendant in violation of the Food and Drugs Act, as amended, one on or about January 19, 1932, from the State of California into the State of Pennsylvania of a quantity of apricots that were adulterated, the other on or about January 28, 1932, from the State of California into the State of Arkansas of a quantity of peaches that were adulterated and of a quantity of evaporated apples that were both adulterated and misbranded. The apricots were labeled in part: (Case) "California Slab Apricots." The peaches were labeled in part: (Case) "California Peaches Rosenberg Bros. & Co. California, U. S. A." The evaporated apples were labeled in part: (Case) "Iris Brand Choice California Evaporated Apples Packed by Rosenberg Bros. & Co., California, U. S. A."

It was alleged in the information that the apricots and peaches were adulterated in that each consisted in part of filthy, decomposed, and putrid vegetable and animal substances, and that the evaporated apples were adulterated in that an added substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength thereof, and were misbranded in that the statement, to wit, "evaporated apples", borne on the cases containing them, were false and misleading in that the apples were not evaporated apples but were apples insufficiently evaporated.

On September 28, 1935, the defendant entered a plea of guilty to the information and the court imposed a fine of \$250.

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

25156. Adulteration of canned salmon. U. S. v. 120 Cartons and 54 Cartons, et al., of Canned Salmon. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 35819, 36097. Sample nos. 37949-B, 37958-B, 37967-B, 37971-B, 37972-B, 37986-B.)

Samples of canned salmon taken from the interstate shipments involved in these actions were found to contain decomposed salmon.

On July 27, 1935, and August 5, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 174 cartons and 22 cases of canned salmon remaining in the original unbroken packages, alleging that the article had been shipped from Cordova, Alaska, in part on or about June 26, 1935, by Guy A. Scott, Cordova, Alaska, and the re-