

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

On November 29, 1935, a plea of guilty was entered on behalf of the defendant company and on December 2, 1935, the court imposed a fine of \$100.

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

25240. Adulteration of tomato pulp and tomato puree. U. S. v. Paul W. Funderburg (Summitville Canning Co.). Plea of guilty. Fine, \$25.
(F. & D. no. 35892. Sample nos. 25488-B, 25540-B, 25541-B, 25542-B.)

This case was based on shipments of tomato pulp and tomato puree that contained excessive mold.

On October 2, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul W. Funderburg, trading as the Summitville Canning Co., Summitville, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act on or about October 5, 9, 10, and 16, 1934, from the State of Indiana into the State of Illinois, of quantities of tomato pulp and tomato puree which were adulterated. The puree was labeled in part: "Richelieu Brand Puree of Tomatoes Distributed By Sprague, Warner & Company, Chicago, Ill." The pulp was unlabeled.

The articles were alleged to be adulterated in that they consisted in part of a decomposed vegetable substance.

On October 11, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

25241. Adulteration of canned turnip greens and canned mustard greens. U. S. v. 66 Cases of Canned Turnip Greens and 59 Cases of Canned Mustard Greens. Default decree of condemnation and destruction.
(F. & D. nos. 35842, 35843. Sample nos. 10289-B, 10290-B.)

This case involved canned turnip and mustard greens which were found to be infested with worms and insects.

On August 7, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 cases of canned turnip greens and 59 cases of canned mustard greens at Abilene, Tex., alleging that the articles had been shipped in interstate commerce on or about June 7, 1935, by the Greathouse Canning Co., from Fayetteville, Ark., and charging adulteration and violation of the Food and Drugs Act. The articles were labeled in part: "Mayfair Turnip [or "Mustard"] Greens * * * packed for Central Canners, Inc., Fayetteville, Ark."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On November 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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

25242. Adulteration of canned tuna. U. S. v. 842 Cases of Canned Tuna. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 35359. Sample nos. 11430-B, 15723-B.)

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

On April 8, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 842 cases of canned tuna at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 8, 1935, by the Van Camp Sea Food Co., from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Star Brand California Fancy Chicken of the Sea Tuna Fish * * * packed and guaranteed by White Star Canning Co. Los Angeles Harbor, Calif. Division of Van Camp Sea Food Co., Inc."

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

On October 19, 1935, the Van Camp Sea Food Co., Inc., the claimant, having admitted that the product was in part adulterated and consisted in part of a decomposed animal substance, but asserting that such adulterated portion could