

25469. Adulteration and misbranding of tomato puree and adulteration of tomato catsup. U. S. v. 29 Cases of Tomato Puree and 69 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 36590, 36591. Sample nos. 33595-B, 33596-B.)

These cases involved canned tomato puree and tomato catsup which were adulterated because of the presence of excessive mold. The puree was also misbranded because of failure to declare the quantity of the contents.

On October 31, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 29 cases of tomato puree and 69 cases of tomato catsup at Racine, Wis., alleging that the articles had been shipped in interstate commerce on or about September 17, 1935, by the Henryville Canning Co., from Henryville, Ind., and charging adulteration and misbranding of the former and adulteration of the latter, in violation of the Food and Drugs Act. The articles were labeled: "Crystal Springs Brand Tomato Puree [or "Henryville Brand Tomato Catsup"] * * * Henryville Canning Co., Henryville, Ind." The puree was further labeled: "Contents 10½ ozs. avoir."

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

Misbranding of the tomato puree was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct, in that the cans were no. 10 size and the label used was for no. 1 can.

On December 27, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

25470. Adulteration of mixed nuts. U. S. v. 7 Bags of Mixed Nuts. Default decree of condemnation and destruction. (F. & D. no. 36595. Sample no. 30581-B.)

Examination of the mixed nuts involved in this case showed the Brazil nuts to be in large part moldy and decomposed.

On November 6, 1935, the United States attorney for the Eastern 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 seven bags of mixed nuts at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce by Sussman Wormser & Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "S & W Mixed Nuts, Packed by Sussman Wormser & Co., San Francisco."

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

On January 14, 1936, 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.*

25471. Adulteration of canned salmon. U. S. v. 73 Cases of Canned Salmon (and one other case). Default decrees of condemnation and destruction. (F. & D. no. 36596. Sample no. 29905-B.)

This case involved canned salmon which was in part decomposed.

On November 1 and November 12, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 cases of canned salmon at Birmingham, Ala., and 11 cases of canned salmon at Cullman, Ala., alleging that the article had been shipped in interstate commerce on or about August 24, 1935, by the Oceanic Sales Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Purity Brand Fancy Pink Salmon * * * Oceanic Sales Co. Seattle U. S. A. Distributors."

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

On January 17, 1936, 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.*