

Tomato Paste Color Added Net Contents Six Oz Packed By Glorioso Canning Co. Anaheim Cal."

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

On June 8, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

25659. Adulteration and misbranding of butter. U. S. v. 15 Cartons of Butter. Default decree of condemnation and forfeiture providing for sale for rendering purposes. (F. & D. no. 36295. Sample no. 31052-B.)

This product contained less than 80 percent by weight of milk fat, but was sold as and for butter.

On August 10, 1935, the United States attorney for the Middle 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 cartons of butter at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about July 3, 1935, by the Borden Produce Co., Inc., Kansas City, Mo., therefrom to Scranton, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Farmfield Solids"; (tag) "Cold Stg. PA.-237 Rec'd Jul 8 1935 8106"; (retail carton) "One Pound Net Weight Farmfield * * * Fine Creamery Butter"; (parchment paper wrapped about butter) "Farmfield Fine Creamery Butter One Pound Net."

Adulteration of the product was charged under the allegation that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding of the article was charged under the allegation that the label bore the statement, to wit, "butter"; that the article contained less than 80 percent by weight of milk fat; and that the aforesaid statement was false and misleading.

On January 16, 1936, no claimant having appeared, a default decree of condemnation and forfeiture was entered, providing for sale at public auction for rendering purposes.

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

25660. Adulteration of apples. U. S. v. 290 Bushels of Apples. Consent decree of condemnation. Product released under bond. (F. & D. no. 36303. Sample no. 23333-B.)

Examination of the apples involved in this case showed the presence of lead and arsenic in amounts that might have rendered the article injurious to health.

On July 11, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 290 bushels of Oldenburg (Duchess) apples at Minneapolis, Minn., alleging that the article had been shipped on or about July 6, 1935, in interstate commerce by the F. H. Simpson Co., from Ozark, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or other deleterious ingredients, namely, lead and arsenic, which might have rendered it injurious to health.

On July 15, 1935, Phil Malat, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the court ordered that the article be released to claimant under bond conditioned that the article be rewashed and reconditioned under the supervision of this Department.

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

25661. Adulteration of tomato sauce. U. S. v. 145 Cases of Tomato Sauce, and other actions. Default decrees of condemnation and destruction. (F. & D. nos. 36311, 36690, 87369. Sample nos. 16313-B, 32652-B, 52847-B.)

These cases involved canned tomato sauce, samples of which were found to contain rodent hairs and filth resulting from worm and insect infestation.

On or about September 9, December 21, 1935, and March 14, 1936, the United States attorneys for the Eastern District of Missouri and the District of Arizona, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 164 cases and 48 cans of tomato sauce at St. Louis, Mo., and 7 cases of the product at Flagstaff,

Ariz., alleging that the article had been shipped in interstate commerce by the Orange County Cannery, Inc., from Fullerton, Calif., in various shipments on or about July 6 and October 5, 1935, and January 18, 1936, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Val Vita Brand Spanish Style tomato Sauce * * * Packed by Orange County Cannery, Inc. Fullerton California."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance. The remainder was alleged to be adulterated in that it contained worm and insect debris.

On October 14, 1935, March 13, and April 11, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

25662. Adulteration and misbranding of tomato concentrate. U. S. v. 229 Cases of Marin Tomato Concentrate. Default decree of condemnation and destruction. (F. & D. no. 36312. Sample no. 37681-B.)

This case involved a shipment of canned tomato concentrate that was adulterated because of the presence of filth resulting from worm infestation and which was also misbranded because it was short in weight.

On September 10, 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 229 cases of tomato concentrate at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 9 and March 2, 1935, by Schwabacher Bros. Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Marin Tomato Concentrate Contents 7 Lb. 4 Oz. Packed by Jos. Pearce Canning Co. Decoto Calif."

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

Misbranding was alleged for the reason that the statement "7 Lb. 4 Oz." was false and misleading and tended to deceive and mislead the purchaser, and for the reason that it was food in package form and the quantity of the contents was not plainly or conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 5, 1935, no claimant having appeared, judgment was entered finding the product adulterated as charged in the libel, and misbranded in that the statement on the label, "7 Lb. 4 Oz.", was false, misleading, and deceptive, and it was ordered that the product be condemned and destroyed.

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

25663. Adulteration and misbranding of butter. U. S. v. 57 Cartons of Butter, and other actions. Consent decrees of condemnation. Product released under bond to be denatured. (F. & D. nos. 36391, 36392, 36393, 36507. Sample nos. 31089-B, 31090-B, 31091-B, 42514-B.)

These cases involved interstate shipments of butter, samples of which were found to be deficient in milk fat and to contain mold.

On August 31 and September 16, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 169 cartons and 25 tubs of butter at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about June 25, 1935, by the Paul A. Schulze Co., from St. Louis, Mo., and charging adulteration and misbranding of portions of the article and adulteration of the remainder in violation of the Food and Drugs Act. The lots shipped in cartons consisted of print and country roll butter labeled in part: "Clover Springs * * * Roll Butter * * * Distributed by Paul A. Schulze Co., St. Louis, Mo."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

Misbranding was alleged with respect to the print and country roll butter for the reason that it was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On April 21, 1936, the Paul A. Schulze Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments