

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

of condemnation were entered, and it was ordered that the product be released under bond, conditioned that it be denatured so that it could not be used in any manner for human consumption.

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

25664. Adulteration of crab meat. U. S. v. 18 Barrels of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36414. Sample no. 35975-B.)

This product contained filth.

On August 23, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the said District a libel praying seizure and condemnation of 18 barrels of crab meat in the District of Columbia, alleging that the article had been shipped in interstate commerce on or about August 19, 1935, by Reuther's Sea Food Co., Inc., New Orleans, La., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was charged under the allegation that it consisted wholly or in part of a filthy animal substance.

On January 23, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25665. Adulteration of sardines. U. S. v. 24 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36446. Sample no. 26739-B.)

Decomposed sardines were present in this product.

On October 7, 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 24 cases of sardines at Albany, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 27, 1935, by Howard Terminal, Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Monte-Rey-Maid Grilled Sardines. * * * Packed by Hovden Food Products Corporation Monterey, Calif."

Adulteration of the article was charged under the allegation that it consisted in whole or in part of a decomposed or putrid animal substance.

On January 7, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25666. Adulteration and misbranding of 5 Minute Jelly and 5 Minit-Jelle. U. S. v. 69 Cases of 5 Minute Jelly, et al. Default decrees of condemnation and destruction. (F. & D. nos. 36453, 36460. Sample nos. 15594-B, 33443-B.)

These cases involved a product consisting in large part of dextrose and containing citric acid, pectin, artificial color, and fruit flavor, which was represented to be a concentrate or base for making true jelly.

On October 3 and October 7, 1935, the United States attorneys for the Eastern District of Wisconsin, and the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 69 cases of 5 Minute Jelly at Waukesha, Wis., and 65 cases of 5 Minute Jelly and 5 Minit-Jelle at St. Louis, Mo., alleging that the article had been shipped in interstate commerce in part on or about July 8, 1935, by Winesyrup Co., Inc., and in part on or about September 11, 1935, by 5-Minit-Jelle Co., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "5 Minute Jelly [or '5 Minit-Jelle'] * * * Minute Maid Products Co. * * * Los Angeles, California."

The article was alleged to be adulterated in that a mixture of dextrose, citric acid, pectin, artificial color, and fruit flavor had been substituted for a jelly base or jelly concentrate, which the article purported to be; and for the further reason that it was mixed and colored whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser: (5 Minute Jelly) "5 Minute Jelly This Package Makes 5 Glasses of Real Home Made Jelly"; "No Fruit Juice Needed"; "True Fruit Flavor Pure