

from Cleveland, Ohio, and charging adulteration in violation of the Food and Drugs Act.

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

On March 2, 1933, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**25758. Adulteration of cheese. U. S. v. 62 Cases of Limburger Spread. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36907. Sample no. 19085-B.)**

This product contained portions of the bodies of flies.

On January 8, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 cases of Limburger Spread at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about November 18, 1935, by the Borden Sales Co., from Buffalo, N. Y., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Borden's Buffalo Brand Limburger Spread Pasteurized Process Cheese Made In New York State Net Wt Six Oz Made For Borden Quality Inc By Borden Cheese Co Inc \* \* \* Borden's Buffalo Brand Limburger Spread New York State Cheese Spreads Like Butter Net Wt Six Oz Made By Hasselbeck Cheese Co."

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

On February 28, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

**25759. Adulteration of cheese. U. S. v. 2 Cases of Limburger Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36910. Sample no. 55403-B.)**

This product contained portions of the bodies of flies, also nondescript dirt.

On January 8, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of Limburger cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about November 21, 1935, by the Magnolia Cheese Co., from Brodhead, Wis., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was unlabeled.

Adulteration of the product was charged under the allegation that it was sold and shipped as Limburger cheese; and that it consisted wholly or in part of a filthy animal substance.

On March 2, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

**25760. Misbranding of canned tomatoes. U. S. v. 993 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture providing for release of the product to the claimant for relabeling under the supervision of the Food and Drug Administration. (F. & D. no. 36915. Sample no. 49172-B.)**

This product was substandard because the tomatoes were not normally colored.

On January 7, 1936, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 993 cases of canned tomatoes at Tulsa, Okla., alleging that the article had been shipped in interstate commerce, on or about October 31, 1935, by the Huntsville Canning Co., Springdale, Ark., to Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act. The article was labeled: (Can) "Red and Ripe Brand Tomatoes Contents 6 Lbs. 6 Ozs. Packed by Huntsville Canning Company Huntsville, Ark."

Misbranding of the article was charged under the allegations that it was canned food, that the tomatoes were not normally colored, that the article fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, and that its package or label did not bear

the plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard.

On January 13, 1936, the Hale-Halsell Co., Tulsa, Okla., having claimed the product, and consenting, a decree of condemnation and forfeiture was entered, providing for release of the product to the said company for relabeling under the supervision of the Food and Drug Administration.

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

**25761. Misbranding of peanut butter. U. S. v. 100 Cartons of Peanut Butter. Consent decree of condemnation and forfeiture, providing for release of the product to the claimant for reconditioning and relabeling. (F. & D. no. 36916. Sample no. 53701-B.)**

The weight of the contents of the jars containing this product was less than that represented on the jar labels.

On January 7, 1936, 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 100 cartons of peanut butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce by the Martin Peanut Products Corporation on or about November 19, 1935, from Brooklyn, N. Y., to Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cartons) "Reliance Brand Peanut Butter Net Wt Sixteen Oz Packed For Reliance Pure Foods Seattle USA."

Misbranding of the article was charged (a) under the allegations that there appeared on the carton label the statement, to wit, "Net Wt 16 Oz", and that the said statement was false and misleading and tended to deceive and mislead the purchaser; (b) under the allegation that the product was in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside thereof.

On February 11, 1936, the Martin Peanut Products Corporation, claimant, consenting, a decree of condemnation and forfeiture was entered, providing for the release of the product to the claimant for reconditioning and relabeling, upon furnishing bond in the sum of \$700.

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

**25762. Adulteration of walnut meats. U. S. v. 11 Cartons of Walnut Meats. Judgment permitting release of product under bond. (F. & D. no. 36917. Sample no. 60620-B.)**

This case involved a shipment of walnut meats that were in part wormy, moldy, and rancid.

On January 7, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cartons of walnut meats at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about November 2, 1935, by the Symns Utah Grocery Co., from Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act. The product was originally shipped to the Symns Utah Grocery Co., by the Los Angeles Nut House, Los Angeles, Calif. The article was labeled in part: "Baker Special, Symns Utah Groc. Co., \* \* \* From L. A. Nut House, Los Angeles, Calif."

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

On February 5, 1936, the Los Angeles Nut House, Los Angeles, Calif., having appeared as claimant and having consented to the entry of a decree, judgment was entered permitting release of the product under bond, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

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

**25763. Misbranding of canned tomatoes. U. S. v. 967 Cases of Canned Tomatoes. Product adjudged misbranded and released under bond for relabeling. (F. & D. no. 36918. Sample no. 49170-B.)**

This product was substandard, because it did not consist of whole or large pieces of tomatoes, was not normally colored, and it was not labeled to indicate that it was substandard.

On or about January 7, 1936, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 967 cases