

On June 9, 1936, the Food Materials Corporation, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the court ordered the product released under bond conditioned that it be relabeled under supervision of this Department.

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

26003. Adulteration of tomato catsup. U. S. v. 24½ Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 37285. Sample no. 60008-B.)

This case involved an interstate shipment of tomato catsup that was found to contain worm debris and to be actively decomposing.

On March 6, 1936, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24½ cases of tomato catsup at Nogales, Ariz., alleging that the article had been shipped in interstate commerce on or about April 15, 1935, by the Crown Products Corporation, from Los Angeles, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article, contained in bottles, was labeled: "Windsor Brand Tomato Catsup Contents 14 Ozs. O. B. Miller Co. Glendale, Calif."

It was alleged in the libel that the article was shipped as and for food and was adulterated in violation of the provision of the Food and Drugs Act that an article of food shall be deemed to be adulterated if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, in that the article contained worm debris and was active.

On April 13, 1936, 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.*

26004. Misbranding of canned tomato juice. U. S. v. 64 Cases of Tomato Juice. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37287. Sample no. 53433-B.)

This case involved an interstate shipment of canned tomato juice the cans of which were found to contain less than the measure stated on the label.

On March 5, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cases of canned tomato juice at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 6, 1936, by the Walla Walla Canning Co., from Walla Walla, Wash., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "Walla Walla Valley Brand Tomato Juice Contents 3 Qts. 3 Fl. Ozs. Packed by Walla Walla Canning Co. Walla Walla, Washington Produce of U. S. A."

The article was alleged to be misbranded in that the statement on the label, "Contents 3 Qts. 3 Fl. Ozs.", was false and misleading and tended to deceive and mislead the purchaser; and in 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 incorrect.

On April 10, 1936, the Walla Walla Canning Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

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

26005. Adulteration and misbranding of preserves. U. S. v. 4 Cases of Alleged Strawberry Preserves, et al. Default decrees entered. Portion of product condemned and destroyed; remainder delivered to charitable institutions. (F. & D. nos. 37296, 37297, 37360. Sample nos. 60966-B, 60967-B, 61006-B, 61007-B, 61008-B.)

These cases involved alleged preserves that were deficient in fruit, that contained an excess of sugar, and most of which also contained added pectin.

On or about March 5 and March 18, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7½ cases of alleged preserves at Hartford, Conn., and 14 cases of alleged preserves at New Haven, Conn., and 140 jars of alleged preserves at Bridgeport, Conn., charging that the articles had been shipped in interstate commerce on or about October 8, 1934; August 20, September 13, and October 3, 1935; and Jan-

January 15 and January 17, 1936, by Brook Maid Food Co. Inc., from Brooklyn, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The articles were variously labeled in part: "Brook-Maid Brand * * * Pure Preserves Strawberry [or "Raspberry Apple"] Brook-Maid Food Co., Brooklyn, N. Y."; "Sunrise Pure Preserves Raspberry [or "Strawberry"] * * * Distributed by Miner, Read & Tullock, New Haven, Conn."

The articles were alleged to be adulterated in that mixtures of fruit and sugar, most of which also contained added pectin, containing less fruit and more sugar than preserves should contain had been substituted for preserves; in that sugar and in most of the products also pectin had been mixed and packed with the articles so as to reduce or lower their quality; and in that the

had been mixed in a manner whereby inferiority was concealed. be misbranded in that the statements on the "Raspberry", "Pure Preserves Strawberry", "Apple", were false and misleading and tended to mislead when applied to products resembling preserves fruit than preserves should contain. Misbranded for the reason that the articles were imitations of the distinctive names of other articles.

products. On June 9, 1936, the lots seized at New Haven were ordered delivered to charitable institutions. The lot at Hartford was condemned and ordered

W. R. GREGG, Acting Secretary of Agriculture.

U. S. v. 15 Gallon Cans of Oysters. Decree of condemnation. Sample no. 63056-B.)

of oysters that were decomposed and contained

The States attorney for the District of Minnesota, Secretary of Agriculture, filed in the district court a petition for condemnation of 15 gallon cans of oysters at Minneapolis. The article had been shipped in interstate commerce by J. J. Scroggins & Co., from Baltimore, Md., in violation of the Food and Drugs Act.

The article was adulterated in that water had been mixed and added to reduce or lower its quality or strength, in that the article was wholly or in part for the article, and in that the article was part of a decomposed animal substance.

The article having appeared and the article having been found that it was unfit for food, the court, on petition for condemnation, ordered it destroyed.

W. R. GREGG, Acting Secretary of Agriculture.

Condemnation of olive oil. U. S. v. Twenty-one 1-Gallon Olive Oil. Default decree of condemnation. Sample no. 37312. Sample

olive oil in gallon, half-gallon, and quart cans, and showed that the product in the gallon and half-gallon bottles was adulterated with tea-seed oil; also that the quart cans were short in volume.

The States attorney for the Eastern District of New York, Secretary of Agriculture, filed in the district court a petition for seizure and condemnation of twenty-one 1-gallon

cans, 23 half-gallon cans, and thirty-five 1-quart cans, and 138 bottles of olive oil at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 31, 1936, by A. J. Capone Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The bottles were labeled in part: "Cora * * * Pure Imported Olive Oil * * * Distributed by Cora Products Co. New York." The cans were labeled in part "Cora Brand One Gallon [or "Half Gallon" or "One Quart"]."

The article in the gallon, half-gallon cans, and the bottles was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so

ERRATA NOTICE

Notices of Judgment Nos. 25801-25850

On page 427 (N. J. 25838), line 1 should read:

25838. Misbranding of Diaplex. U. S. v. 98 Cartons and 39 Packages of