

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

On June 3 and June 11, 1937, 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.*

27189. Adulteration of tomato sauce. U. S. v. 169 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. & D. no. 39148. Sample no. 18921-C.)

This case involved a shipment of tomato sauce that contained filth resulting from worm infestation.

On February 27, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 169 cases of tomato sauce at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about January 9, 1937, by Val Vita Food Products, Inc., from Fullerton, Calif., charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Val Vita Brand Tomato Sauce, Packed by Val Vita Food Products, Inc., Fullerton, California, USA"; (can) "Tom-Boy Quality Foods * * * Spanish Style Tomato Sauce Distributed by Tom Boy Quality Food Stores, St. Louis, Missouri."

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

On April 10, 1937, no claimant having appeared, judgment of condemnation was entered and on April 28, 1937, supplemental decree was entered ordering that the product be destroyed.

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

27190. Misbranding of canned peaches. U. S. v. 102 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. & D. no. 39163. Sample no. 31396-C.)

This product was substandard because it consisted of excessively ragged, broken, and trimmed pieces, and because the liquid portion was deficient in sugar.

On or about March 3, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 102 cases of canned peaches at Indianapolis, Ind., alleging that they had been shipped in interstate commerce on or about September 23, 1936, by Balfour, Guthrie & Co., Ltd., from East Stockton, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Stencil on cases) "6/10 Pre. Heated S. P. Pie Y. C. Peaches."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the liquid portion read less than 14° Brix, and the fruit consisted of excessively ragged, broken, and trimmed pieces, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 15, 1937, 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.*

27191. Misbranding of canned tomatoes. U. S. v. 192 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39181. Sample no. 32678-C.)

This product fell below the standard for canned tomatoes established by this Department since it did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On March 5, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 192 cases of canned tomatoes at Walla Walla, Wash., alleging that they had been shipped in interstate commerce on or about January 16 and January 29, 1937, by Wadhams & Co., from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blue and White Brand Tomatoes with Puree from Trimmings Red and White Corp'n Distributors Chicago Ill Buffalo NY San Francisco Cal."