

27430. Adulteration and misbranding of tomato catsup. U. S. v. 148 Cases and 49 Cases of Tomato Catsup (and three other seizure actions). Default decrees of destruction. (F. & D. nos. 39298 to 39302, incl. Sample nos. 34508-C, 34509-C.)

This product contained filth resulting from worm infestation and was short weight.

On or about April 2, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 344½ cases of tomato catsup at Pensacola, Fla., alleging that it had been shipped in interstate commerce on or about October 15, 1936, by the San Carlos Canning Co., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Topco Brand Tomato Catsup * * * Net Contents 6 lb. 12 Oz. Packed by Tomato Packing Corporation, Harbor City California." The remainder was labeled: "Fairplay Brand Net Weight 6 Lbs. 12 Oz. or 3.06 Kilograms Tomato Catsup * * * Parrott & Co. San Francisco, California."

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

The article was alleged to be misbranded in that the statements, "Net Contents 6 Lb. 12 Oz." with respect to the Topco brand, and "Net Contents 6 Lbs. 12 Oz. or 3.06 Kilograms" with respect to the Fairplay brand, were false and misleading and deceived and misled 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.

On June 28, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27431. Adulteration and misbranding of tomato puree. U. S. v. 215 Cases of Tomato Puree. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39314. Sample no. 34515-C.)

This product contained a smaller amount of tomato solids than tomato puree should contain.

On or about April 2, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of, among other goods, 215 cases of tomato puree at Pensacola, Fla., alleging that it had been shipped in interstate commerce on or about June 27, 1936, by Angelo Glorioso from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Eagle Brand Tomato Puree * * * Packed by A. Glorioso New Orleans, La."

It was alleged to be adulterated in that an insufficiently concentrated tomato product had been substituted for tomato puree.

The article was alleged to be misbranded in that the statement on the label, "Tomato Puree", was false and misleading and deceived and mislead the purchaser; and in that it was offered for sale under the distinctive name of another article.

On April 26, 1937, Angelo Glorioso having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

27432. Adulteration of tomato puree. U. S. v. 98 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 39324. Sample no. 18890-C.)

This product contained filth resulting from worm infestation.

On April 3, 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 98 cases of tomato puree at Cape Girardeau, Mo., alleging that it had been shipped in interstate commerce on or about October 19, 1936, by the Decatur Packing Corporation, from Greensburg, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red and White Brand Tomato Puree Red and White Corp'n, Distributors, Chicago, Ill."

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

On May 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27433. Adulteration of canned salmon. U. S. v. 34 Cases of Canned Salmon. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 39325. Sample no. 34542-C.)

This canned salmon was in part decomposed.

On April 3, 1937, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cases of canned salmon at Montgomery, Ala., alleging that it had been shipped in interstate commerce on or about February 12, 1937, by the Pacific American Fisheries, Inc., from Bellingham, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Pennant Brand Alaska Red Sockeye Salmon Packed by Northwestern Fisheries Co. Seattle."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On June 25, 1937, the Pacific American Fisheries, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond for segregation and destruction of the decomposed portion and relabeling of the good portion as "Reprocessed."

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

27434. Adulteration of tomato and celery juice. U. S. v. 50 Cartons and 700 Cases of Tomato and Celery Juice. Default decrees of condemnation and destruction. (F. & D. nos. 39347, 39406. Sample nos. 10179-C, 31154-C.)

This product was undergoing a form of chemical decomposition.

On April 20, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cartons of tomato and celery juice at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce in part on or about October 4, 23, and 24, 1935, by Blake & Co., from Layton, Utah, and in part on or about November 7, 1935, by the Perry Canning Co., from Perry, Utah, for the account of Blake & Co., and charging adulteration in violation of the Food and Drugs Act. On May 21, 1937, a libel was filed in the District of Colorado against 700 cases of celery and tomato juice at Denver, Colo., consigned by Blake & Co., alleging that the article had been shipped in interstate commerce on or about October 31, 1935, and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Celto Brand Tomato and Celery Juice * * * Packed for Blake & Blackinton, Ogden, Utah."

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

On May 27 and July 15, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27435. Adulteration of sugar-rolled dates. U. S. v. 542 Cases of Sugar-Rolled Dates. Default decree of condemnation and destruction. (F. & D. no. 39362. Sample no. 31987-C.)

This product was insect-infested and moldy.

On or about April 10, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 542 cases of sugar-rolled dates at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about February 4 and 5, 1937, by Capitol Brands, Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sugar Rolled Dates Capitol Brands, Inc., Long Island City, N. Y."

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

On June 16, 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.*