

27455. Adulteration of tomato catsup. U. S. v. 67 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 39589. Sample no. 35399-C.)

This case involved tomato catsup that contained excessive mold.

On May 11, 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 67 cases of tomato catsup at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 4, 1936, by the Naas Corporation of Indiana, from Portland, Ind., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Na-Co High Quality Tomato Catsup * * * The Naas Corporation of Indiana, Sunman, Ind."

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

On June 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27456. Adulteration of raisins. U. S. v. 163 Cases, et al., of Raisins. Default decrees of condemnation and destruction. (F. & D. nos. 39612 to 39616, incl., 39624, 39637, 39638. Sample nos. 42014-C to 42019-C, incl., 42021-C, 42023-C.)

These raisins contained hydrocyanic acid in amounts which might have rendered them injurious to health.

On or about May 18 and May 21, 1937, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 452 cases of raisins at Petersburg, Va., and 73 cases of raisins at Richmond, Va., alleging that they had been shipped in interstate commerce on or about December 4, 1936, by the Del-Rey Packing Co. from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "De Luxe Brand [or "Regent Brand"] * * * Raisins Packed by Del-Rey Packing Co. Del-Rey California."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On June 25, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27457. Misbranding and alleged adulteration of egg yolks. U. S. v. 333 Cans of Yolks. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39618. Sample nos. 35610-C, 38712-C.)

This product was represented to consist of egg yolks containing 10 percent of sugar, but did consist of egg yolks and egg white containing approximately 6.71 percent of sugar.

On May 15, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 333 cans of egg yolks at San Francisco, Calif., alleging that they had been shipped in interstate commerce on or about March 20, 1937, by the Northwest Poultry & Dairy Products Co., from Meridian, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Yolks, 10 percent sugar added * * * Northwest Poultry and Dairy Products Co., * * * Portland, Oregon."

It was alleged to be adulterated in that a mixture of egg yolks and egg white containing less than 10 percent of sugar had been substituted wholly or in part for egg yolks and 10 percent of sugar, which the article purported to be.

The article was alleged to be misbranded in that the statement "Yolks Ten Percent Sugar added" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was a mixture of egg yolks and egg white containing less than 10 percent of sugar.

On June 5, 1937, Armour & Co., claimant, having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned. The product was released under bond conditioned that it be relabeled.

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