

On May 18, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12½ cases of catsup at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about April 16, 1937, by E. A. Zatarain & Sons, Inc., from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: (Bottles) "Pa-Poose Brand Tomato Catsup Contents 5 Fluid Oz. [or "8 Oz." or "14 Oz.]" \* \* \* Made from Tomatoes, salt and spices \* \* \* Manufactured by E. A. Zatarain & Sons Inc. New Orleans, La."

The article was alleged to be adulterated in that an artificially colored tomato catsup containing pulp other than tomato pulp had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted wholly or in part for tomato catsup, which the article purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained artificial color and apple pulp and the quantity of contents of which was less than declared: "Tomato Catsup \* \* \* Made from Tomatoes, Salt and spices"; "Contents 5 Fluid Oz."; "Contents 8 Oz."; "Contents 14 Oz." It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, tomato catsup; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On July 7, 1937, no claimant having appeared, judgment of condemnation was entered and the court having found that the product was fit for human consumption, ordered that it be distributed to charitable institutions.

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

**27679. Adulteration of canned tomato puree. U. S. v. 2,220 Cases of Tomato Puree (and 2 other seizure actions against the same product.) Consent decrees of condemnation. Product released under bond for segregation and destruction of unfit portion.** (F. & D. Nos. 39621, 39622, 39690. Sample Nos. 30117-C, 30118-C, 41506-C, 41507-C, 41508-C, 41537-C.)

Samples of this product were found to contain excessive mold.

On May 17 and June 5, 1937, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,220 cases of tomato puree at Nebraska City, Nebr., and 2,512 cases of tomato puree at Plattsmouth, Nebr., alleging that the article had been shipped in interstate commerce between the dates of September 14, 1936, and December 7, 1936, by the Weber Packing Corporation from Ogden, Utah, 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 filthy and decomposed vegetable substance.

On June 28 and July 3, 1937, the Norfolk Packing Co., Plattsmouth, Nebr., and the Otoe Food Products Co., Nebraska City, Nebr., claimants for respective portions of the article, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that the unfit portion be destroyed.

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

**27680. Adulteration of oranges. U. S. v. 191 Cases of Oranges. Default decree of condemnation and destruction.** (F. & D. No. 39635. Sample No. 1128-C.)

This product was found to be in part decomposed and damaged by drying.

On April 23, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 191 cases of oranges at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about March 9, 1937, by American Fruit Growers from Pomona, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Orange Queen Brand U. S. No. 1 American Fruit Growers Inc. Los Angeles, California."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance in that a citrus fruit damaged