

& Joseph to themselves at Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Henry Fisher R-2 Coloma, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28457. Misbranding of canned peas. U. S. v. 63 Cases of Canned Peas. Default decree of condemnation and destruction.** (F. & D. No. 40581. Sample No. 40602-C.)

These peas were not immature and they were not labeled to indicate that they were substandard.

On October 28, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of canned peas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 24, 1937, by the Merton Canning Co. from Merton, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Merton Brand Wisconsin Peas. \* \* \* Packed by Merton Canning Co. Merton, Wis."

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, in that the peas were not immature and the package or label did not bear a plain and conspicuous statement, as prescribed, to that effect.

On December 13, 1937, no claimant having appeared, judgment of condemnation and forfeiture, with order of destruction, was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28458. Adulteration of tomato puree. U. S. v. Loudon Packing Co. Plea of guilty. Fine, \$25.** (F. & D. No. 39829. Sample Nos. 33888-C, 49003-C.)

This product contained excessive mold.

On November 27, 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 an information against the Loudon Packing Co., a corporation trading at Terre Haute, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 27 and May 24, 1937, from the State of Indiana into the State of Illinois, of quantities of tomato puree which was adulterated. The article was labeled in part: "Traymore Brand Tomato Puree \* \* \* Distributors Central Grocers Co-Operative Inc. Chicago, Ill."

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

On December 8, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28459. Adulteration and misbranding of tomato puree. U. S. v. Taormina Corporation. Plea of guilty. Fine, \$25.** (F. & D. No. 39755. Sample Nos. 34659-C, 34667-C.)

This product was deficient in tomato solids.

On August 10, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Taormina Corporation, trading at New Orleans, La., alleging shipment in violation of the Food and Drugs Act by the said defendant on or about March 19, 1937, from the State of Louisiana into the State of Mississippi, of quantities of tomato puree which was adulterated and misbranded. The article was labeled in part: (Cans) "Buffalo Brand Tomato Puree \* \* \* Packed by Taormina Corp. New Orleans, La. Donna, Texas"; (cases, one shipment) "Tomato Puree."

It was alleged to be adulterated in that a product deficient in tomato solids had been substituted for tomato puree, which it purported to be.

It was alleged to be misbranded in that the statements borne on the labels, "Tomato Puree" and "Puree di Pomodoro," were false and misleading and were borne on the labels so as to deceive and mislead the purchaser, since they repre-