28814. Adulteration of tomato puree. U. S. v. 45 Cases and 46 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. Nos. 41811, 41812. Sample Nos. 8396–D, 8399–D.)

This product contained excessive mold.

On February 21, 1938, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 91 cases of tomato puree at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about September 16 and November 12, 1937, by the Swayzee Canning Co. from Swayzee, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hiatt [or "Truflavor"] Brand Tomato Puree * * * Packed By The Swayzee Canning Co. Swayzee, Ind."

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

On March 30, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28815. Adulteration and misbranding of bitter almond oil. U. S. v. 4 Gallons and 1 Gallon of "Almond Oil Bitter." Default decrees of condemnation and destruction. (F. & D. Nos. 41688, 41689. Sample Nos. 1591–D, 1592–D.)

This product was represented to be bitter almond oil, whereas it was an imitation bitter almond oil that contained about 80 percent of mineral oil.

On February 11, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 5 gallons of bitter almond oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 20, 1937, and January 4, 1938, by the Willmark Corporation, Inc., from Long Island City, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Willmark Almond Oil Bitter Quality Product * * * Willmark Baking Products, Inc. Long Island City, N. Y."

It was alleged to be adulterated in that mineral oil had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; and in that mineral oil had been substituted in whole or in part for bitter almond oil, which the article purported to be.

The article was alleged to be misbranded in that the statement, "Almond Oil Bitter Quality Product," was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of bitter almond oil and mineral oil containing about 80 percent of mineral oil; and in that it was an imitation of and was offered for sale under the distinctive name of another article.

On March 14, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28816. Adulteration of butter. U. S. v. 23 Cubes of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 41875. Sample No. 2765–D.)

This product contained less than 80 percent of milk fat.

On February 19, 1938, 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 23 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 10, 1937, by Page Milk Co. from Marshall, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On March 31, 1938, Bennett & Layton, Inc., San Francisco, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it not be disposed of contrary to law.

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