

29858. Adulteration and misbranding of tomato catsup. U. S. v. Horse Shoe Pickle Works, Ltd. Plea of nolo contendere. Fine, \$50. (F. & D. No. 42565. Sample Nos. 9278-D, 16146-D.)

This product contained apple pulp and added color. It also contained sodium benzoate in excess of the amount declared.

On September 7, 1938, 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 Horse Shoe Pickle Works, Ltd., a corporation, New Orleans, La., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 9 and April 1, 1938, from the State of Louisiana into the State of Mississippi, of quantities of tomato catsup that was adulterated and misbranded. It was labeled in part: "Horse-Shoe Brand Tomato Catsup."

The article was alleged to be adulterated in that apple pulp had been substituted in part for tomato catsup; and in that it had been artificially colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Tomato Catsup," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since it represented that the article was tomato catsup; whereas it consisted in part of pulp other than tomato pulp, namely, apple pulp. Misbranding was alleged for the further reason that the article was an artificially colored imitation of and was offered for sale under the distinctive name of another article, tomato catsup. It was alleged to be misbranded further in that the statement on the label, "Contains 1/10 of 1% Benzoate of Soda," was false and misleading since the article contained considerably more than one-tenth of 1 percent of benzoate of soda.

On December 8, 1938, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$50.

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

29859. Adulteration of apples. U. S. v. 21 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 43817. Sample No. 32778-D.)

This product was contaminated with arsenic and lead.

On August 27, 1938, 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 21 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 21, 1938, by the Shafton Co. from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Ed Brenner R-2 Watervliet, 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 October 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29860. Adulteration of fig bars. U. S. v. 21 Packages of Suzette Fig Bars. Default decree of condemnation and destruction. (F. & D. No. 44258. Sample No. 34308-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On November 1, 1938, 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 21 packages of fig bars at Washington, D. C.; alleging that the article had been shipped on or about August 15, 1938, by the Zion Baking Co. from Zion Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Suzette Fig Bar * * * Suzette Bakeries, Zion, Illinois."

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

On November 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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