

On February 10, 1939, the United States attorney for the District of New Jersey filed a libel against 1,200 boxes of rock lobster tails at Jersey City, N. J.; alleging that the article had been shipped from New York, N. Y., on or about January 16 and 17, 1939, by the Merchants' Refrigerating Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cape Rock Lobster" or "Captail Brand Tails Langouste."

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

On October 25, 1939, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

80943. Adulteration of tomato catsup. U. S. v. 71 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 45269. Sample No. 40978-D.)

Samples of this product were found to contain worm and insect fragments.

On May 6, 1939, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 cases of tomato catsup at Pecos, Tex.; alleging that the article had been shipped in interstate commerce on or about December 27, 1938, from Los Angeles, Calif., by California Sanitary Co., in pool car shipment, for Val Vita Food Products Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Val Vita Brand Tomato Catsup Val Vita Food Products Inc. Fullerton, California."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On September 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

80944. Adulteration and misbranding of jams. U. S. v. 109 Cases and 284 Cases of Assorted Jams. Decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 44472, 44628. Sample Nos. 35956-D, 35957-D, 35958-D, 48842-D to 48845-D, inclusive.)

These actions involved various lots of assorted jams which contained added apple, and one lot of a product labeled raspberry jam which was found to be strawberry jam.

On December 5, 1938, and January 5, 1939, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed libels against 393 cases of assorted jams at Boston, Mass.; alleging that the articles had been shipped in interstate commerce on or about October 25 and December 3, 1938, by the Sun Distributing Co. from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nature's Own Pure Strawberry [or "Raspberry," "Peach," or "Blackberry"] Jam Manufactured by Fresh Grown Preserve Corp. Brooklyn, New York."

The strawberry, peach, blackberry, and one lot of raspberry jam were alleged to be adulterated in that apple had been substituted wholly or in part for the articles. One lot labeled raspberry jam was alleged to be adulterated in that strawberry jam had been substituted for raspberry jam.

The strawberry, peach, blackberry, and one lot of raspberry, were alleged to be misbranded in that the statements, "Pure Strawberry [or "Peach," "Raspberry," or "Blackberry"] Jam," were false and misleading and tended to deceive and mislead the purchaser. They were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles. One lot labeled raspberry jam was alleged to be misbranded in that the statement "Pure Raspberry Jam" was false and misleading and tended to deceive and mislead the purchaser when applied to strawberry jam. It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article.

On September 8, 1939, the Sun Distributing Co., Inc., of Lyndhurst, N. J., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and the products were ordered released under bond conditioned that they be correctly labeled under the supervision of this Department.

GROVER B. HILL, *Acting Secretary of Agriculture.*