

On November 21, 1939, the United States attorney for the District of Oregon filed a libel against 12 cases of apple butter at Ontario, Oreg., alleging that the article had been shipped in interstate commerce on or about September 16, 1939, by Spring Valley Dairy Products Co. from Nampa, Idaho; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Spring Valley Brand Pure Apple Butter. Net Wt. 32 Ozs."

The article was alleged to be adulterated in that it contained poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health. It was alleged to be adulterated further in that it consisted wholly or in part of a filthy substance.

It was alleged to be misbranded in that the statement on the label, "Net Wt. 32 Ozs.," was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On January 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VEGETABLE SOUP MIXTURE

426. Adulteration and misbranding of vegetable soup mixture. U. S. v. 33 Dozen Packages of Vita-Cup Brand Vegetable Soup. Default decree of condemnation and destruction. (F. D. C. No. 916. Sample No. 74301-D.)

This product was represented to be a mixture from which vegetable soup could be made. It consisted, however, of about 73 percent of noodles and 27 percent of dried vegetables and kelp. Certain vegetables depicted on a vignette on the package were not found in the mixture; the contents occupied not more than 63 percent of the carton; the weight was less than that declared; and the labeling was misleading in other particulars.

On November 10, 1939, the United States attorney for the District of Massachusetts filed a libel against 33 dozen packages of vegetable soup mixture at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 21 and 26, 1939, by Martha E. Bussler, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a substance containing 73 percent of noodles had been substituted wholly or in part for an article which purported to be vegetable soup.

It was alleged to be misbranded in that the statement, "Vegetable Soup * * * Made from 1 Pound Fresh Garden Vegetables Concentrated * * * Contents Carrots, Celery, Kelp, Okra, Onions, Leek, Parsley, Parsnips, Rutabagas, Beans, Turnips, Tomatoes, Vegetable seasoning and Egg Products Concentrated Vegetables," borne on the label, were false and misleading when applied to an article consisting essentially of noodles with some dried vegetables and seaweed (kelp); in that the vignette borne on the label was false and misleading since no peas or lima beans were found in the mixture; in that the statement "Conforms to State and all Federal Pure Food laws," was false and misleading since the article did not conform to the provisions of the Federal Food, Drug, and Cosmetic Act; in that the statement "2 Oz. Net Weight When Packed" was false and misleading since it was incorrect; in that the article was offered for sale under the name of another food, namely, "Vegetable Soup"; in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On December 18, 1939, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

Nos. 427 to 484 report the seizure and disposition of tomato products which contained excessive mold.

427. Adulteration of tomato catsup. U. S. v. 699 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1300. Sample No. 75482-D.)

On January 6, 1940, the United States attorney for the Northern District of Ohio filed a libel against 699 cases of tomato catsup at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 25, 1939, by Beutel Pickling & Canning Co. from Bay City, Mich.; and charging that it was adulterated in that it consisted wholly or in part

of a decomposed substance. The article was labeled in part: (Bottle) "Michigan Tomato Catsup."

On March 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

428. Adulteration of canned tomato catsup. U. S. v. 11 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1355. Sample No. 70979-D.)

On January 16, 1940, the United States attorney for the District of Idaho filed a libel against 11 cases of tomato catsup at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about October 3, 1939, by H. D. Olson from Perry, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Can) "Olson's Royal Brand Tomato Catsup."

On February 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

429. Adulteration of tomato catsup. U. S. v. 50 Cases of Tomato Catsup. Default decree of condemnation. (F. D. C. No. 1372. Sample No. 76913-D.)

On January 18, 1940, the United States attorney for the District of Columbia filed a libel against 50 cases of tomato catsup at Washington, D. C., alleging that the article had been shipped on or about December 14, 1939, by W. E. Robinson & Co., Inc., from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Ma-Son Brand Catsup."

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in accordance with the law.

430. Adulteration of tomato puree. U. S. v. 69 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 844. Sample No. 59159-D.)

On or about November 2, 1939, the United States attorney for the Western District of Kentucky filed a libel against 69 cases of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about September 11, 1939, by Matlock Brokerage Co. from Mount Summit, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Mt. Summit Brand Tomato Puree * * * Packed By Summit Products Co. Mt. Summit, Indiana."

On December 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

431. Adulteration of tomato puree. U. S. v. 32 Cases and 100 Cases of Tomato Puree. Consent decrees of condemnation and destruction. (F. D. C. Nos. 1434, 1480. Sample Nos. 97222-D, 97324-D, 97413-D.)

On February 12 and 14, 1940, the United States attorneys for the Districts of Wyoming and Colorado filed libels against 32 cases of tomato puree at Laramie, Wyo., and 100 cases of tomato puree at Denver, Colo., consigned by the Kaysville Canning Corporation, alleging that the article had been shipped in interstate commerce within the period from on or about October 5 to on or about October 31, 1939, from Kaysville, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Silver Band Tomato Puree from Tomatoes and Trim-mings * * * The Morey Mercantile Co. Distributors Denver, Colo."

On February 14 and 26, 1940, the Kaysville Canning Corporation having signed an acceptance of service and authorization for taking of final decree in each case, judgments of condemnation were entered and the product was ordered destroyed.

432. Adulteration of tomato pulp. U. S. v. 856 5-Gallon Cans of Tomato Pulp. Default decree of condemnation and destruction. (F. D. C. No. 1395. Sample No. 47676-D.)

On January 25, 1940, the United States attorney for the District of Maryland filed a libel against 856 5-gallon cans of tomato pulp at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 10, 1940, by Vallonia Canning Co. from Vallonia, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.