3082. Adulteration of tomato catsup. U. S. v. 850 Cases of Tomato Catsup. Product released on bond. (F. & D. No. 5185. S. No. 1789.)

On April 28, 1913, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 850 cases of tomato catsup remaining unsold in the original unbroken packages and in possession of the C. Shenkberg Co., Sioux City, Iowa, alleging that the product had been shipped from the State of Kansas into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Silver Leaf Brand Tomato Catsup Manufactured by Otto Kuehne Preserving Co., Topeka, Kans.;" (on jars and bottles) "Trade Mark Registered, Silver Maple Leaf design, Silver Leaf Brand Tomato Catsup, contains 1/10 of 1 per cent benzoate of soda. Prepared by Otto Kuehne Preserving Co., Topeka, Kans."

Adulteration of the product was alleged in the libel for the reason that the cases, jars, and bottles each contained a product that consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance which was deleterious to health and wholly unfit for human food.

On June 7, 1913, the Otto Kuehne Co., claimant, Topeka, Kans., having petitioned the court to release and have delivered to them the product, it was ordered by the court that the product should be delivered to said company upon payment of the costs of the proceedings and the execution of bond in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3083. Adulteration and misbranding of tomato conserve. U. S. v. 75 Cases of Tomato Conserve. Decree of condemnation by consent. Product released on bond. (F. & D. No. 5186. S. No. 1790.)

On April 28, 1913, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases of tomato conserve, remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the product had been shipped on or about March 26, 1913, consigned to Giurlani Bros. Co., San Francisco, Cal., and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cans in 50 cases of the product were labeled: "Conserva di Tomate—Packed by our special process. Rossa—Guarantee Legend. Tomato Conserve—American Conserve Company, New York. This can contains 15 ounces net weight. Contains 1/10 of 1% benzoate of soda and 15% of salt." The cans in the remaining 25 cases of the product were labeled in exactly the same manner except that the expression "This can contains 4 pounds and 12 ounces net weight" appeared in lieu of announcement that package contained 15 ounces.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance. Misbranding was alleged for the reason that the product was labeled to contain 15 ounces, and 4 pounds and 12 ounces, respectively, whereas examination revealed that the retail units were from 5.1 to 12.9 per cent short in weight.

On May 2, 1913, Ignatius Gross, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product should be released and delivered to said claimant upon payment of all costs of the proceedings, and execution of bond in the sum of $800 in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*