little, if any, of the natural fruit. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On December 8, 1931, the Joe Lowe Corporation, Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of $40, conditioned in part that it be relabeled and that it should not be sold or otherwise disposed of contrary to the laws of the United States or of the State of Colorado.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19106. Adulteration of canned tuna. U. S. v. 30 Cases of Canned Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26470. I. S. No. 15162. S. No. 4759.)

Samples of canned tuna from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On June 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cases of canned tuna at Memphis, Tenn., alleging that the article had been shipped on or about April 28, 1931, by the California Sea Food Co., from Los Angeles, Calif., and had been transported in interstate commerce from the State of California into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Results Brand California Light Meat Tuna Salad Pieces Tuna Pattie Guaranteed by M. O. Covington Company, Los Angeles, California, Net Weight 6½ Oz."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed animal substance unfit for food.

On February 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19107. Misbranding of canned tomatoes. U. S. v. 992 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27203. I. S. No. 38684. S. No. 5370.)

Examination of samples of canned tomatoes from the shipment herein described having shown that the article was substandard in that it contained an excessive amount of peel, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On November 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 992 cases of canned tomatoes at New York, N. Y., alleging that the article had been shipped on or about October 1, 1931, by the Frederica Packing Co., from Felton, Del., and had been transported from the State of Delaware into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Three Castles Brand Hand Packed Tomatoes. * * * Embassy Grocery Corp. Distributors, New York, N. Y."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality promulgated by the Secretary of Agriculture, since it contained an excessive amount of peel and its package or label did not bear a plain and conspicuous statement as prescribed, indicating that it fell below such standard.

On January 5, 1932, the Embassy Grocery Corporation, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of $1,000, conditioned in part that the labels be removed from the cans and the following label affixed thereto: "Frederica Brand Tomatoes Below U. S. Standard Low Quality but Not Illegal. * * * Packed by Frederica Packing Company, Frederica, Delaware."

ARTHUR M. HYDE, *Secretary of Agriculture.*