The articles were alleged to be adulterated in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for Glyco-Ester and Gly-Ketol, food-flavor solvents, which they purported to be.

They were alleged to be misbranded in that the designations "Glyco-Ester" and "Gly-Ketol," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to products unfit for use as food-flavor solvents. Misbranding was alleged further in that the articles were sold under the distinctive names of other articles, Glyco-Ester and Gly-Ketol, food-flavor solvents.

On January 20 and 26 and March 26, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28663. Adulteration and misbranding of canned prunes. U. S. v. 647 Cans and 497 Cans of Prunes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. & D. Nos. 41670, 41671. Sample Nos. 1857–D, 1858–D.)

This product was labeled "4÷1," a designation that indicates 4 parts of fruit to 1 part of dry sugar. It contained a smaller proportion of sugar than that indicated, and also added water.

On February 10, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,144 cans of prunes at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 28 and October 2, 1937, by the Sunshine Packing Corporation from Erie, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Italian Prunes 4÷1 * * * Packed By Sunshine Packing Corp. North East, Pa."

It was alleged to be adulterated in that a substance containing less sugar than was indicated in the labeling, and added water, had been substituted wholly or in part for the article.

The article was alleged to be misbranded in that the statement "4÷1" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing less than 20 percent of sugar, and containing added water.

On March 1, 1938, the libels having been consolidated, and the Sunshine Packing Corporation having appeared, having admitted the allegations contained in the libels, and having consented, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

W. R. GREGG, *Acting Secretary of Agriculture.*

28664. Adulteration of tomato paste. U. S. v. 700 Cases of Tomato Paste. Consent adjudication and decree sustaining the allegations of the libel. Property released under bond. (F. & D. No. 39050. Sample No. 6536–C.)

Samples of this product were found to contain filth resulting from worm infestation.

On February 5, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 cases of tomato paste at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about November 9, 1936, by Calliguria Food Products Corporation from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Vulcania Brand California Tomato Paste * * * Distributed by Calliguria Food Product Corp. Los Angeles, Calif."

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

On August 9, 1937, the Italian Food Products, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment was entered sustaining the said allegations, and ordering that the product be released under bond conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*