

On July 6, 1935, the Hutchings Brokerage Co., the claimant, consenting, a decree of condemnation and forfeiture was entered, providing for the release of the product to the claimant for relabeling on furnishing of bond in the sum of \$3,000.

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

25567. Misbranding of canned tomatoes. U. S. v. 15 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35509. Sample no. 36849-B.)

The can container of this product was below the prescribed standard of fill and was without the required statement indicating that fact.

On June 3, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of canned tomatoes at Tuscaloosa, Ala., alleging that the article had been shipped in interstate commerce, on or about April 23, 1935, and May 7, 1935, by H. A. Shaver, Inc., Lakeland, Fla., therefrom to Tuscaloosa, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Shaver's Brand Hand Packed Tomatoes Contents 1 Lb. 3 Ozs. Packed by H. A. Shaver, Inc., Lakeland, Fla."

Misbranding of the product was charged under the allegation that the cans were slack-filled in that they contained added tomato products, namely, puree from trimmings; that the product was substandard (1) in that it contained such puree, and (2) in that the cans were slack-filled; and that the labels failed to bear a special statement, namely, "Tomatoes with puree from trimmings."

On July 6, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25568. Misbranding of canned tomatoes. U. S. v. 20 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35600. Sample no. 36849-B.)

The can container of this product was below the prescribed standard of fill and was without the required statement indicating that fact.

On June 6, 1935, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of canned tomatoes at Waynesboro, Miss., alleging that the article had been shipped in interstate commerce, on or about April 23, 1935, and on or about May 7, 1935, by H. A. Shaver, Inc., Lakeland, Fla., therefrom to Waynesboro, Miss., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Shaver's Brand Hand Packed Tomatoes. Contents 1 Lb. 3 Ozs. Packed by H. A. Shaver, Inc., Lakeland, Fla."

Misbranding of the product was charged under the allegation that the cans were slack-filled in that they contained added tomato products, namely, puree from trimmings; that the product was substandard (1) in that it contained such puree and (2) in that the cans were slack-filled; and that the labels failed to bear a special statement, namely, "Tomatoes with puree from trimmings."

On October 2, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25569. Misbranding of canned pears. U. S. v. 26½ Cases of Canned Pears. Default decree of condemnation. Product delivered to public institution. (F. & D. no. 35641. Sample no. 38955-B.)

This case involved a shipment of canned pears that were substandard, and were not labeled to indicate that fact.

On June 17, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26½ cases of canned pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 25, 1934, by the Packwell Corporation, from Fruitvale, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "On the Level Brand Bartlett Pears * * * Packed by The Packwell Corporation, Oakland, Calif."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of