

On August 5, 1935, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 cases of tomato puree at Oklahoma City, Okla., consigned by the Currie Canning Co., of Grand Junction, Colo., alleging that the article had been shipped in interstate commerce on or about September 14, 1934, from the State of Colorado into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Heart O' The Rockies Brand Tomato Puree \* \* \* The Currie Canning Co. Grand Junction, Colo."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 6, 1936, the sole intervenor having withdrawn its claim for the property, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**25604. Adulteration and misbranding of tomato paste. U. S. v. 141 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 36114. Sample no. 28609-B.)

This article was wholly or partially a filthy vegetable substance, and its label erroneously represented it to be of foreign production.

On August 13, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on August 28, 1935, an amended libel, praying seizure and condemnation of 141 cases of tomato paste at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about December 4, 1934, by the Italian Food Products Co., Inc., from Long Beach, Calif., to Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Tomato Paste Salsa Di Pomodoro Net Weight 6 Ozs. Leone Di San Marco Packed for Sausage Mfg. Co. 2127 Penn Ave., Pgh. Pa. Contents 6 Ozs. Prepared with carefully selected fresh sun-ripened California tomatoes."

Adulteration of the article was charged under the allegation that it consisted in whole or in part of a filthy vegetable substance.

Misbranding of the article was charged (a) under the allegations that the label bore the statement, to wit, "Salsa Di Pomodoro \* \* \* Leone Di San Marco", and a design consisting of the Italian national colors, namely, red, white, and green; that the aforesaid statement and design were false and misleading and tended to deceive and mislead the purchaser when applied to a tomato paste of domestic manufacture; (b) under the allegations that the product was manufactured in California; and that the purport of the label was that the article was a foreign product.

On January 29, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

**25605. Adulteration of canned salmon. U. S. v. 1,486 Cases of Canned Salmon. Trial to the court without a jury. Decree of condemnation and forfeiture of some of the product, with provision for release thereof to the claimant for reconditioning upon the furnishing of bond in the sum of \$500. Remainder of the product found not to be adulterated and ordered unconditionally released to the claimant.** (F. & D. no. 36129. Sample nos. 40422-B, 40426-B.)

Some of the product seized in this proceeding was found to consist in whole or in part of a decomposed animal substance. The remainder of it was found not to be adulterated in any respect.

On August 10, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,486 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 6, 1935, from Cordova, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The shipment was made by the New England Fish Co., Cordova, Alaska.

Adulteration of the product was charged under the allegation that it consisted in whole or in part of a decomposed animal substance.

The New England Fish Co., claimant, answered the libel denying the charge. The issue was tried to the court without a jury.

On March 4, 1936, a decree was entered condemning and forfeiting a portion of the product, but providing for release of such portion to the claimant for reconditioning upon furnishing of bond in the sum of \$500, and finding that the remainder was not adulterated.

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

**25606. Adulteration and misbranding of canned tomatoes. U. S. v. 48 Cases of Canned Tomatoes, and other cases. Default decrees of condemnation and destruction. (F. & D. nos. 36146 to 36152, incl. Sample nos. 35455-B to 35461-B, incl.)**

These cases involved several lots of canned tomatoes that contained contaminants resulting from corrosion of the cans. All lots but one were falsely labeled as to the name of the packer and the place of manufacture.

On or about August 21, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 521 cases of canned tomatoes in various lots at Columbus, Indianapolis, and Terre Haute, Ind., alleging that the article had been shipped in interstate commerce between the dates of May 29 and June 10, 1935, by the Reliable Trading Co., from Cincinnati, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. All lots but one were labeled: "Smithson Brand Salted Tomatoes \* \* \* Packed by H. M. Parrott & Co. Preston, Md." The remaining lot was labeled: "Home Circle Brand Tomatoes \* \* \* Packed for National Wholesale Grocery Co., Indianapolis, Indiana."

The article was alleged to be adulterated in that contaminants resulting from corrosion of the cans had been mixed and packed with the article.

Misbranding was alleged with respect to portions of the article for the reason that the statement, "Packed by H. H. Parrott, Preston, Md.", was false and misleading and tended to deceive and mislead the purchaser, since it was packed in Kentucky by the Walton Canning Co., of Walton, Ky.

On October 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**25607. Adulteration of canned orange juice. U. S. v. 84 Cases, et al., of Orange Juice. Tried to the court. Judgments for the Government. Decrees of condemnation with provision for release under bond for salvaging. Amended decrees of destruction. (F. & D. nos. 36161, 36345. Sample nos. 8181-B, 8182-B, 8183-B, 35470-B, 35471-B.)**

These actions involved canned orange juice that was in part decomposed.

On August 19 and September 17, 1935, the United States attorney for the Eastern District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 195½ cases of canned orange juice at Lexington, Ky., consigned from East San Pedro, Calif., on or about July 7, 1935, alleging that the article had been shipped in interstate commerce from the State of California into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Absopure California Orange Juice Absopure Fruit Products, Inc., Anaheim, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

The Absopure Fruit Products, Inc., Anaheim, Calif., appeared as claimant and waived a trial by jury. On November 9, 1935, a motion to dismiss the libels having been overruled and the cases having been submitted to the court on the pleadings, the statements of attorneys and evidence introduced on behalf of the Government and claimant, judgments of condemnation were entered providing that the product might be released to the claimant under bond, conditioned that the bad cans be removed therefrom. On February 27, 1936, the claimant having failed to execute a bond to secure release of the goods, amended decrees were entered ordering that the product be destroyed and that the claimant pay costs in both cases, amounting to \$87.30.

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

**25608. Adulteration of tomato paste. U. S. v. 38 Cartons of Tomato Paste, and other cases. Default decrees of condemnation and destruction. (F. & D. nos. 36206, 36207, 36208. Sample no. 15824-B.)**

These cases involved canned tomato paste that contained filth resulting from worm infestation.