

catsup at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce in various lots between the dates of January 23 and July 10, 1935, by the California Supply Co., in part from San Francisco, Calif., and in part from Mountain View, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Our Choice Tomato Catsup * * * Western States Grocery Company Distributors Oakland, California."

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

Misbranding of a portion of the canned tomato catsup was alleged for the reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was either incorrect or missing.

On December 19, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

25612. Adulteration of tomato catsup. U. S. v. 29 Cases and 20 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 36268, 36541. Sample nos. 35195-B, 43465-B.)

This case involved tomato catsup that contained excessive mold.

On September 3 and October 25, 1935, the United States attorneys for the Southern District of Ohio and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 29 cases of tomato catsup at Cincinnati, Ohio, and 20 cases of tomato catsup at Lawrence, Mass., alleging that the article had been shipped in interstate commerce on or about July 2 and August 19, 1935, by the Red Wing Co., Inc., from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Dot Dot's Good Tomato Catsup * * * Distributed by The Janszen Company Cincinnati Ohio." The remainder was labeled: "Red Wing Pure Tomato Catsup * * * The Red Wing Company, Inc. Fredonia, N. Y."

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

On October 21 and December 23, 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.*

25613. Adulteration of tomato catsup. U. S. v. 46 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 36270. Sample no. 35839-B.)

This case involved tomato catsup that contained filth resulting from worm and insect infestation.

On September 6, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cases of tomato catsup at Denver, Colo., consigned by Stokely Bros. Co., Greenwood, Ind., alleging that the article had been shipped in interstate commerce on or about October 16, 1934, from the State of Indiana into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ruby Tomato Catsup * * * Fame Canning Co. Inc. * * * Indianapolis, Ind."

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

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

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

25614. Adulteration of tomato catsup. U. S. v. 140 Cases of Tomato Catsup. Decree of condemnation. Product released under bond. (F. & D. no. 36304. Sample no. 35842-B.)

This case involved tomato catsup a part of which contained filth resulting from worm infestation.

On September 11, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 cases of tomato catsup at Denver, Colo., consigned by Van Camp's, Inc., alleging that the article had been

shipped in interstate commerce on or about October 17, 1934, from Indianapolis, Ind., into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Glen Valley Brand * * * Tomato Catsup Prepared by Van Camp's, Inc., Indianapolis, Ind."

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

On November 26, 1935, Stokely Bros. & Co., having filed a claim and answer admitting the allegations of the libel with respect to 12 cases of the product and denying the allegations with respect to the remainder, and the court having found the answer of the claimant to be true, judgment of condemnation was entered and it was ordered that the product be delivered to the claimant under a bond conditioned that the good and bad portions be separated under the supervision of this Department and the good portion only released.

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

25615. Adulteration of tomato paste. U. S. v. 16 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 36313. Sample no. 43326-B.)

This case involved canned tomato paste that contained filth resulting from worm infestation.

On September 12, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of tomato paste at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 5, 1934, by the Manteca Canning Co., from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mattina Brand * * * Tomato Paste * * * Manteca Canning Company Manteca Calif Uso Napolium."

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

On January 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

25616. Adulteration and misbranding of Vegetrate preparations. U. S. v. 12 Packages and 36 Packages of Vegetrate No. B. F. 1, and other cases. Default decrees of condemnation and destruction. (F. & D. nos. 36339 to 36344, incl., 36671 to 36677, incl. Sample nos. 35967-B, 38430-B to 38437-B, incl., 40062-B, 40063-B, 40066-B to 40069-B, incl.)

These products were represented to consist entirely of vegetable food substances. All were misbranded because of unwarranted curative and therapeutic claims in the labeling, and portions also were adulterated and further misbranded because of the presence of laxative drugs and calcium carbonate, a mineral substance.

On September 19 and November 29, 1935, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 338 packages and bottles of various Vegetrate formulas at Washington, D. C., alleging that the article had been shipped in interstate commerce between the dates of May 29, and October 25, 1935, by the Health Foundation of California, from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part, variously: "Vegetrate No. B. F. 1"; "Vegetrate B. F. 1 Powder"; "Vegetrate Formula H. F. C. No. A-45 [or "D-44", "A-417", or "H-410"]."

Analyses of samples of the product identified as "B. F. 1" showed that it consisted essentially of vegetable substances including rice, bran, cinnamon, cranberry, kelp, and leafy vegetables. All samples of the B. F. 1 contained senna leaves or rhubarb or both, those in tablet form also containing calcium carbonate. The remaining products consisted of leaf, stem, and root material.

The B. F. 1 was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, (carton) "Made entirely from concentrated fresh raw fruits and vegetables" or "Made from concentrated, fresh raw vegetables and fruits", since the product contained rhubarb root or senna leaves, or both, cathartic drugs, not fruits nor edible vegetables, and three of the five lots contained calcium carbonate, a mineral substance.

Misbranding of the B. F. 1 was alleged for the reason that the name of the product, "Vegetrate", the cut depicting fruits and vegetables in a circular ac-