interstate commerce on or about September 30, 1935, by the Brockton Preserving Co. from Brockton, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Brockton Brand Tomato Ketchup * * * Brockton Preserving Co., Brockton, N. Y."

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

25755. Adulteration of cider. U. S. v. 5 Barrels of Cider. Default decree of condemnation, forfeiture, and destruction of cider, and providing for return of empty barrels to consignee. (F. & D. no. 36899. Sample no. 54423–B.)

This product contained excessive arsenic and lead.

On December 28, 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 five barrels of cider at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about November 2, 1934, from Portland, Oreg., to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The shipment was made by the Knight Packing Co., Portland, Oreg. The article was labeled in part: (Barrels) "Richardson and Holland 518–1st Ave So., Seattle Wash. Knight Pkg Co Portland Ore. Boiled Cider."

Adulteration of the article was charged under the allegation that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which might have rendered it harmful to health.

On February 29, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction of the cider was entered, the decree providing for the return of the empty barrels to the consignee.

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

25756. Adulteration and misbranding of cocoa. U. S. v. 10 Cases and 20 Cartons of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36904. Sample nos. 43985–B, 43986–B.)

This product was deficient in fat and contained excessive lead.

On January 2, 1936, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases and 20 cartons of cocoa at Portland, Maine, alleging that the article had been shipped in interstate commerce, on or about October 4 and October 10, 1935, by the Massachusetts Chocolate Co., from Boston, Mass., into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Packages) "Wan-Eta Cocoa One Pound Net Wan-Eta Breakfast Cocoa * * * Manufactured by The Massachusetts Chocolate Company Boston, Mass."

Adulteration of the article was charged (a) under the allegation that a product deficient in fat had been substituted for breakfast cocoa, which should contain not less than 22 percent of cacao fat; (b) under the allegation that the article contained an added poisonous and deleterious ingredient, to wit, lead, which might have rendered it injurious to health.

Misbranding of the article was charged under the allegation that there appeared on the label the statement, "Breakfast Cocoa"; that the said statement was false and misleading and tended to deceive and mislead the purchaser when applied to cocoa containing less than 22 percent of cacao fat.

On March 11, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25757. Adulteration of tomato puree. U. S. v. 446 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. no. 36906. Sample no. 55411–B.)

This case involved a shipment of tomato puree that contained excessive mold.

On January 6, 1936, 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 446 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 9, 1935, by the Distribution Terminal & Cold Storage Co.,

from Cleveland, Ohio, and charging adulteration in violation of the Food and Drugs Act.

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

On March 2, 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.*

25758. Adulteration of cheese. U. S. v. 62 Cases of Limburger Spread. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36907. Sample no. 19085–B.)

This product contained portions of the bodies of flies.

On January 8, 1936, 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 62 cases of Limburger Spread at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about November 18, 1935, by the Borden Sales Co., from Buffalo, N. Y., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Borden's Buffalo Brand Limburger Spread Pasteurized Process Cheese Made In New York State Net Wt Six Oz Made For Borden Quality Inc By Borden Cheese Co Inc * * * Borden's Buffalo Brand Limburger Spread New York State Cheese Spreads Like Butter Net Wt Six Oz Made By Hasselbeck Cheese Co."

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

On February 28, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25759. Adulteration of cheese. U. S. v. 2 Cases of Limburger Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36910. Sample no. 55403–B.)

This product contained portions of the bodies of flies, also nondescript dirt.

On January 8, 1936, 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 two cases of Limburger cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about November 21, 1935, by the Magnolia Cheese Co., from Brodhead, Wis., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was unlabeled.

Adulteration of the product was charged under the allegation that it was sold and shipped as Limburger cheese; and that it consisted wholly or in part of a filthy animal substance.

On March 2, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25760. Misbranding of canned tomatoes. U. S. v. 993 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture providing for release of the product to the claimant for relabeling under the supervision of the Food and Drug Administration. (F. & D. no. 36915. Sample no. 49172–B.)

This product was substandard because the tomatoes were not normally colored.

On January 7, 1936, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 993 cases of canned tomatoes at Tulsa, Okla., alleging that the article had been shipped in interstate commerce, on or about October 31, 1935, by the Huntsville Canning Co., Springdale, Ark., to Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act. The article was labeled: (Can) "Red and Ripe Brand Tomatoes Contents 6 Lbs. 6 Ozs. Packed by Huntsville Canning Company Huntsville, Ark."

Misbranding of the article was charged under the allegations that it was canned food, that the tomatoes were not normally colored, that the article fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, and that its package or label did not bear