27070. Adulteration of canned prunes. U. S. v. 17 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. no. 38787. Sample no. 24083–C.)

This case involved canned prunes that were in part decomposed.

On December 10, 1936, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cases of canned prunes at Spokane, Wash., alleging that they had been shipped in interstate commerce on or about October 6, 1936, by the Western Oregon Packing Corporation, from Corvallis, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Falls Brand Italian Prunes * * * Packed for Roundup Grocery Co. Spokane, Washington."

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

On March 30, 1937, 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.*

27071. Adulteration and misbranding of tomato catsup. U. S. v. 350 Cases of Tomato Catsup (and five other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 38789, 38852, 39140, 39173, 39306, 39307. Sample nos. 10459–C, 13892–C, 13894–C, 15933–C, 16273–C, 16274–C.)

This product contained filth resulting from worm infestation and a part was short in weight.

On or about December 11 and 23, 1936, February 26, March 4, and April 1, 1937, the United States attorneys for the Northern District of Georgia and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 889 cases of canned tomato catsup at Atlanta, Ga., and 400 cases of the product at New Orleans, La., alleging that it had been shipped in interstate commerce by San Carlos Canning Co., in part on or about September 25, 1936, from Long Beach, Calif., in part on or about October 15, 1936, from San Carlos, Calif., and in part on or about October 25, 1936, from Los Angeles, Calif., and charging that it was adulterated and that a portion was also misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Topco Brand Tomato Catsup * * * Net Contents 6 Lbs. 12 Oz. Packed by Tomato Packing Corp., Harbor City, California." The remainder was labeled: "Fair Play Brand Net Weight 6 Lbs. 12 Oz. or 3.06 Kilograms Tomato Catsup * * * Parrott & Co. San Francisco, California."

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

Certain shipments of the article were alleged to be misbranded in that the statement "Net Contents 6 Lbs. 12 Ozs." with respect to a portion of the Topco brand and the statement "Net Weight 6 Lbs. 12 Oz. or 3.06 Kilograms" with respect to the Fair Play brand were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On February 8, April 3, April 14, and May 17, 1937, 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.*

27072. Adulteration of canned tomato pulp. U. S. v. 291 Cans of Tomato Pulp. Default decree of condemnation and destruction. (F. & D. no. 38820. Sample nos. 21477–C, 21494–C, 21496–C.)

This product contained filth resulting from worm infestation.

On December 15, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 291 cans of tomato pulp at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about September 14, 1936, by the M. & R. Canning Co., from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act.

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

On February 18, 1937, 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.*