

the articles had been shipped in various shipments in interstate commerce between the dates of July 29, 1936, and December 31, 1936, by the Vincennes Packing Corporation from Vincennes, Washington, and Seymour, Ind., and charging that they were adulterated and that the tomato soup also was misbranded in violation of the Food and Drugs Act. The articles were labeled variously: "Standby Tomato Soup * * * The Tomato Soup in this can is prepared from vine ripened tomatoes carefully selected, washed and trimmed Packed for Fine Foods, Inc., Seattle Wash. Minneapolis"; "Pickwick Brand Tomato Catsup * * * Distributed by Kansas City Wholesale Grocery Co. Kansas City, Mo."; "Black Bird Brand Catsup * * * Packed for H. P. Lau Co. Lincoln, Fremont, Nebr."

The articles were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

The tomato soup was alleged to be misbranded in that the statement, "The tomato soup in this can is prepared from vine-ripened tomatoes, carefully selected, washed and trimmed", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, in that the presence of worm-infested tomato pulp showed that the tomatoes were not "carefully selected, washed, and trimmed", but that they contained in part a filthy vegetable substance.

On February 24, April 12, April 21, and April 22, 1937, the H. P. Lau Co., claimant for the goods seized at Fremont, Nebr., having consented to the destruction of said lot and no claim having been entered for the remaining lots, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

27084. Adulteration of tomato paste. U. S. v. 9½ Cases and 12 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. & D. nos. 38902, 38947. Sample nos. 28456-C, 28624-C.)

This product contained excessive mold.

On January 4 and January 12, 1937, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21½ cases of tomato paste at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce by the Gervas Canning Co., in part on or about October 16, 1936, from Forestville, N. Y., and in part on or about October 19, 1936, from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Benito Brand * * * Tomato Paste packed by Stanley Packing Co., Inc., Forestville, N. Y."

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

On March 9, 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.*

27085. Misbranding of canned bean soup, pea soup, and chicken broth. U. S. v. 10 Cases Each of Canned Bean Soup, Pea Soup, and Chicken Broth. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 38928, 38929, 38930. Sample nos. 29662-C, 29663-C, 29664-C.)

This case involved canned goods that were short in weight.

On January 13, 1937, 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 30 cases of canned goods at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about December 19, 1936, by the Del Ray Corporation from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Giffi Say Jiffy Condensed Bean Soup [or "Pea Soup" or "Chicken Broth"] Net Contents 10½ Fl. Oz."

The articles were alleged to be misbranded in that the statement "10½ Fl. Oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short in weight; and in that they were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.