27214. Misbranding and alleged adulteration of tomato puree. U. S. v. 30 Cases of Canned Tomato Puree. Decree of condemnation with provision for release under bond for relabeling. (F. & D. no. 39356. Sample no. 34534–C.)

This product was deficient in tomato solids.

On April 22, 1937, the United States attorney for the Northern District of Florida, 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 tomato puree at Pensacola, Fla., alleging that the article had been shipped in interstate commerce on or about June 27, 1936, by Angelo Glorioso from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Eagle Brand Tomato Puree Color added * * * Packed by A. Glorioso New Orleans, La."

It was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for tomato puree, which it purported to be.

It was alleged to be misbranded in that the statement "Tomato Puree" appearing on the label was false and misleading and tended to deceive and mislead the purchaser, since the article was deficient in tomato solids and was not tomato puree.

On May 7, 1937, Angelo Glorioso having appeared as claimant and having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be condemned. The decree provided that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27215. Misbranding of honey. U. S. v. 66 Cases of Honey. Consent decree entered. Product ordered released under bond to be relabeled. (F. & D. no. 39434. Sample no. 24172–C.)

This case involved honey in pails that was short in weight.

On April 24, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 cases of honey at Lewiston, Idaho, alleging that it had been shipped in interstate commerce on or about March 4, 1937, by the S. D. Smith Honey Co. from College Place, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Honey Natures Own Sweet * * * Net Weight Five Lbs. S. D. Smith Honey Co. College Place, Washington."

It was alleged to be misbranded in that the statement "Net Weight Five Lbs." was false and misleading and tended to deceive and mislead the purchaser when applied to a product 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 quantity stated was not correct.

On May 13, 1937, the S. D. Smith Honey Co. having appeared as claimant and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27216. Adulteration of rock lobster. U. S. v. 375 Cans of Lobster. Default decree of condemnation and destruction. (F. & D. no. 39411. Sample no. 22790–C.)

This case involved rock lobster that was filthy.

On March 30, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 375 cans of rock lobster at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about March 27, 1937, by East Coast Fisheries from Miami, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On April 20, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27217. Misbranding of apples. U. S. v. 450 Bushels of Apples. Decree of condemnation and forfeiture. Product released under bond. Good portion relabeled; unfit portion destroyed. (F. & D. no. 39377. Sample no. 43528–C.)

These apples were below the grade indicated on the label.

On April 14, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the