

adulterated and portions thereof also were misbranded in violation of the Food and Drugs Act.

The articles were labeled variously in part: "Campania Brand Tomato Paste \* \* \* Packed by Italian Food Products Co. Inc., Long Beach, California"; "Prince Superfine Tomato Paste Concentrated Prince Macaroni Mfg. Co. Boston, Mass."; "La Famosa Brand Pure Tomato Sauce \* \* \* With Sweet Basil, Con Basilico \* \* \* Packed in California for Ossola Bros., Inc., New York—Pittsburgh."

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

The tomato paste seized at Boston, Mass., was alleged to be misbranded in that the statement on the label, "Prince Macaroni Mfg. Co., Boston, Mass.", was false and misleading and tended to deceive and mislead the purchaser since it created the impression that that firm was the manufacturer, whereas the Anaheim Canning Co., Anaheim, Calif., was the manufacturer; and in that it was labeled or branded so as to deceive and mislead the purchaser, since the presence of added artificial color was not declared on the label.

The tomato sauce was alleged to be misbranded for the reason that the statement on the label, "With Sweet Basil—Con Basilico", was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing no sweet basil.

On October 14, November 20, 1935, January 10, and September 28, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

**26653. Adulteration of canned tomatoes. U. S. v. Raymond L. Harrison, Robert S. Harrison, James S. Harrison, and Merton G. Jarboe (Harrison & Jarboe). Plea of guilty. Fine, \$100 and costs. (F. & D. no. 36992. Sample no. 49435-B.)**

This case involved canned tomatoes that contained added water.

On September 14, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Raymond L. Harrison, Robert S. Harrison, James S. Harrison, and Merton G. Jarboe, copartners trading as Harrison & Jarboe, at Sherwood, Md., alleging shipment by said defendants on or about September 21, 1935, from Cordova, Md., into the State of Pennsylvania of a quantity of canned tomatoes that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Dover Brand Tomatoes \* \* \* Packed by Harrison & Jarboe, Sherwood, Md."

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for tomatoes, which the article purported to be.

On November 4, 1936, the defendants were arraigned and pleaded guilty, and the court imposed a fine of \$100 and costs.

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

**26654. Adulteration and misbranding of preserves. U. S. v. The Velmo Co., Lionel E. Samuels, and Samuel A. Samuels. Pleas of guilty. Fines, \$100 on each count as to each of the three defendants. Payment remitted on all counts but first as to all defendants. (F. & D. no. 37031. Sample nos. 43769-B to 43775-B, incl., 44101-B to 44105-B, incl., 44120-B, 44121-B, 65862-B to 65865-B, incl.)**

These products contained less fruit and more sugar than preserves should contain. All lots contained added pectin, most lots contained excessive moisture, and some also contained added phosphate.

On October 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Velmo Co., a corporation, and Lionel E. Samuels and Samuel A. Samuels, officers of said corporation, of New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act between the approximate dates of October 14, 1935, and February 7, 1936, from the State of New York into the State of Massachusetts of quantities of strawberry and raspberry preserves which were adulterated and misbranded. Portions of the articles were labeled: "Velmo Brand Pure Preserves Strawberry [or "Raspberry"] The Velmo Company New York, N. Y." The remainder were labeled: "Golden West \* \* \* Pure Raspberry [or "Strawberry"] Preserves \* \* \* Golden West Preserve Company, San Francisco and New York."

The Velmo brand preserves were alleged to be adulterated in that mixtures of strawberries or raspberries containing pectin and moisture, and less fruit and more moisture than are contained in preserves, had been substituted wholly for pure strawberry preserves and pure raspberry preserves, respectively, which the articles were represented to be. The Golden West brand preserves were alleged to be adulterated in that mixtures of raspberries or strawberries containing sugar and pectin and, in some instances, water and phosphate and containing less fruit and more sugar than are contained in preserves, had been substituted for pure strawberry preserves and pure raspberry preserves, respectively, which the articles were represented to be; in that sugar and pectin and, in some instances, water and phosphate had been mixed with the articles so as to reduce or lower their quality; and in that the articles were inferior to strawberry and raspberry preserves, and had been mixed in a manner whereby such inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "Pure Preserves Strawberry", "Pure Preserves Raspberry", "Pure Raspberry Preserves", and "Pure Strawberry Preserves", borne on the labels, were false and misleading and in that by the appearance of the aforesaid statements on the jar labels, the articles were labeled so as to deceive and mislead the purchaser, since they were not pure strawberry preserves and pure raspberry preserves, respectively. Misbranding was alleged for the further reason that the articles were imitations of strawberry and raspberry preserves and had been offered for sale under the distinctive names of said articles.

On November 16, 1936, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$100 on each count against each defendant, or \$300 in all on each count. Payment of fines on all counts but the first, was remitted as to all defendants.

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

**26655. Adulteration of tomato ketchup. U. S. v. Brocton Preserving Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 37033. Sample no. 44041-B.)**

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

On May 11, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Brocton Preserving Co., Inc., Brocton, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about September 30, 1935, from the State of New York into the State of Massachusetts of a quantity of tomato ketchup that was adulterated. The article was labeled in part: "Brocton Brand \* \* \* Tomato Ketchup, Brocton Preserving Co. Brocton, N. Y."

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

On January 12, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

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

**26656. Adulteration of dried peaches. U. S. v. Guggenlime & Co. Plea of guilty. Fine, \$100. (F. & D. no. 37050. Sample no. 46234-B.)**

This case involved a shipment of dried peaches that were in part moldy, infested, and dirty.

On August 3, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Guggenlime & Co., a corporation, trading at San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act on or about December 17, 1935, from the State of California into the State of Louisiana of a quantity of an article of food, dried peaches, which was adulterated and misbranded. The article was labeled in part: "Waldorf Brand Choice Recleaned Cling Peaches Guggenlime & Company."

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

On November 19, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

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