

On June 9, 1936, the Food Materials Corporation, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the court ordered the product released under bond conditioned that it be relabeled under supervision of this Department.

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

26003. Adulteration of tomato catsup. U. S. v. 24½ Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 37285. Sample no. 60008-B.)

This case involved an interstate shipment of tomato catsup that was found to contain worm debris and to be actively decomposing.

On March 6, 1936, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24½ cases of tomato catsup at Nogales, Ariz., alleging that the article had been shipped in interstate commerce on or about April 15, 1935, by the Crown Products Corporation, from Los Angeles, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article, contained in bottles, was labeled: "Windsor Brand Tomato Catsup Contents 14 Ozs. O. B. Miller Co. Glendale, Calif."

It was alleged in the libel that the article was shipped as and for food and was adulterated in violation of the provision of the Food and Drugs Act that an article of food shall be deemed to be adulterated if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, in that the article contained worm debris and was active.

On April 13, 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.*

26004. Misbranding of canned tomato juice. U. S. v. 64 Cases of Tomato Juice. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37287. Sample no. 53433-B.)

This case involved an interstate shipment of canned tomato juice the cans of which were found to contain less than the measure stated on the label.

On March 5, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cases of canned tomato juice at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 6, 1936, by the Walla Walla Canning Co., from Walla Walla, Wash., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "Walla Walla Valley Brand Tomato Juice Contents 3 Qts. 3 Fl. Ozs. Packed by Walla Walla Canning Co. Walla Walla, Washington Produce of U. S. A."

The article was alleged to be misbranded in that the statement on the label, "Contents 3 Qts. 3 Fl. Ozs.", was false and misleading and tended to deceive and mislead the purchaser; 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 incorrect.

On April 10, 1936, the Walla Walla Canning Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

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

26005. Adulteration and misbranding of preserves. U. S. v. 4 Cases of Alleged Strawberry Preserves, et al. Default decrees entered. Portion of product condemned and destroyed; remainder delivered to charitable institutions. (F. & D. nos. 37296, 37297, 37360. Sample nos. 60966-B, 60967-B, 61006-B, 61007-B, 61008-B.)

These cases involved alleged preserves that were deficient in fruit, that contained an excess of sugar, and most of which also contained added pectin.

On or about March 5 and March 18, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7½ cases of alleged preserves at Hartford, Conn., and 14 cases of alleged preserves at New Haven, Conn., and 140 jars of alleged preserves at Bridgeport, Conn., charging that the articles had been shipped in interstate commerce on or about October 8, 1934; August 20, September 13, and October 3, 1935; and Jan-