

The article was labeled in part: "Blue Bonnet Brand Tomatoes * * * Packed at McAllen, Texas * * * by Columbus Foods Corporation General Office Columbus, Wis."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of whole pieces, it was not normally colored and was not peeled, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On December 7, 1935, the Columbus Foods Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

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

25246. Adulteration of tomato paste. U. S. v. 270 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35696. Sample no. 33928-B.)

This case involved a product which contained filth resulting from worm infestation.

On July 3, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 cases of tomato paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 10, 1934, by the Hershel California Fruit Products Co., from San Jose, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Contadina Brand Tomato Paste * * * Packed by Hershel California Fruit Products Company San Jose, Calif."

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

On October 4, 1935, 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.*

25247. Adulteration of tomato catsup. U. S. v. 208 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35756. Sample nos. 37939-B, 37940-B.)

This case involved a shipment of tomato catsup, samples of which were found to be infested with worms and insects.

On July 11, 1935, 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 208 cases of tomato catsup at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 26, 1935, by the National Grocery Co., from Oakland, Calif., and charging adulteration and violation of the Food and Drugs Act. The article was labeled in part: "Expo Brand Catsup Packed for National Grocery Co. Seattle Wash."

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

On October 17, 1935, 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.*

25248. Adulteration and misbranding of butter. U. S. v. Toulon Milk Products Co. Plea of guilty. Fine, \$100. (F. & D. no. 35975. Sample no. 31959-B.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat.

On September 9, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Toulon Milk Products Co., a corporation, Toulon, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 18, 1935, from the State of Illinois into the State of Wisconsin of a quantity of butter which was adulterated and misbranded. The article was labeled in part: [Print] "Swift's Premium Quality Brookfield Butter * * * Distributed by Swift & Company."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article was not butter as defined by law.

On December 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

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

25249. Misbranding of olive oil. U. S. v. 13 Cases and 46 Cases of Olive Oil. Decree of condemnation. Product released under bond. (F. & D. no. 35766. Sample nos. 15542-B, 15543-B.)

Samples of olive oil taken from this shipment were found to contain less than the labeled volume. The declaration of the quantity of the contents borne on the labels was ambiguous.

On July 15, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 cases of olive oil at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 11, 1935, by the Barcelona Sales Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Barcelona Pure Virgin Olive Oil * * * The Barcelona Company * * * 3 oz. [or 1.6 oz.]"

The article was alleged to be misbranded in that the statements on the labels, "3 oz." and "1.6 oz. guaranty * * * Full Measure Furnished to Dealers", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article 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 statements were incorrect and were ambiguous, in that they did not indicate whether they were weight or measure.

On September 28, 1935, the Barcelona Sales Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of this Department.

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

25250. Adulteration of butter. U. S. v. 18 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 36386. Sample no. 30570-B.)

This case involved butter that contained excessive mold.

On August 30, 1935, 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 a libel praying seizure and condemnation of 18 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 26, 1935, by the Culpeper Creamery, from Culpeper, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C. L. Poole & Co., New York, N. Y."

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

On September 21, 1935, 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.*