

Drugs Act. The article was labeled in part: "Net Weight 30 lbs. Cooperative Poultry Producers, Portland, Oregon Whole Egg."

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

On February 19, 1935, the Washington Cooperative Egg & Poultry Association having appeared as claimant for the property and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that it be reconditioned under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**25288. Adulteration and misbranding of tomato paste. U. S. v. 21 Cases of Tomato Paste. Default decree of destruction. (F. & D. no. 35497. Sample no. 23685-B.)**

This case involved tomato paste which contained excessive mold. The article was labeled to convey the impression that it was of high quality, whereas it was not.

On May 21, 1935, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of tomato paste at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce on or about February 28, 1935, by the Notaro Bros. Canning Co., from Lawtons, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Page's Gold Medal Tomato Paste \* \* \* Notaro Bros. Canning Co., Lawtons, New York."

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

Misbranding was alleged for the reason that the following statements appearing on the can label and in a circular shipped with the article were false and misleading: (Can) "Page's canned products have been awarded the Gold Medal and Diploma from the Esposizione Del Progresso Industriale, Roma and the Croce D'Onore al Merito Industriale from the Italian Government at Rome for their superior quality"; (circular) "The Gold Medal reproduced above was awarded to Page's Products in 1923 by the Esposizione Del Progresso Industriale, Roma and the Croce D'Onore al Merito Industriale by the Italian Government at Rome for their superior quality."

On October 28, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**25289. Adulteration of imitation preserves. U. S. v. 254 Cases of Imitation Preserves. Default decree of condemnation and destruction. (F. & D. no. 35577. Sample no. 26214-B.)**

This case involved imitation preserves which were found to contain excessive lead.

On May 31, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 254 cases, each containing 12 cans of imitation preserves, at Scottsbluff, Nebr., alleging that the article had been shipped in interstate commerce on or about October 10, 1934, by the Sanitary Food Manufacturing Co., from St. Paul, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Moon Imitation Cherry [or other flavor] Preserves Sanitary Food Mfg. Co. St. Paul, Minn."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On October 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**25290. Adulteration of tomato puree and tomato catsup. U. S. v. 150 Cases of Tomato Puree and 39 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. nos. 35583, 35584. Sample nos. 26505-B, 26507-B.)**

This case involved products which contained filth resulting from worm and insect infestation.