25333. Misbranding of canned tomatoes. U. S. v. 108 Cases of Canned Tomatoes. Default decree of condemnation. Product delivered to charitable organization. (F. & D. no. 36201. Sample no. 28155-B.)

This case involved a shipment of canned tomatoes which were substandard and which were not labeled to indicate that fact.

On August 22, 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 a libel praying seizure and condemnation of 108 cases of canned tomatoes at Litchfield, Ill., alleging that the article had been shipped in interstate commerce on or about July 3, 1935, by the Pilkington Brokerage Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Farmers Brand Tomatoes * * * A Product of J. Leroy Farmer, Packers and Distributors, Cedar Rapids, Iowa."

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 was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On December 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization, but that before its use it be labeled with the substandard legend.

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

25334. Adulteration of canned spinach. U. S. v. 1,090 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. & D. no. 36204. Sample nos. 19547-B, 19548-B.)

This case involved a shipment of canned spinach which was in part decomposed.

On August 21, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,090 cases of canned spinach at Dayton, Ohio, consigned on or about July 8 and July 19, 1935, alleging that the article had been shipped in interstate commerce by the Clamme Canning Co., from Hartford City, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Honeygrove Spinach * * * White Villa Grocers Inc. Distributors, Cincinnati Dayton, Ohio."

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

On October 3, 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.*

25335. Adulteration of canned salmon. U. S. v. 348 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36246. Sample nos. 38041-B, 38052-B.)

This case involved a shipment of canned salmon which was in part decomposed.

On August 30, 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 348 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 4, 1935, by the Sebastian-Stuart Fisheries [Fish] Co., from Tyee, Alaska, and charging adulteration in violation of the Food and Drugs Act.

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

On October 11, 1935, the Sebastian-Stuart Fish Co., 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 brought into compliance with law under the supervision of this Department.

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