label. Misbranding was alleged with respect to certain lots for the further reason that the statement ".01% Benzoate of Soda" was false and misleading since the article contained more benzoate of soda than declared; for the further reason that the statement, "Topeka Wholesale Grocery Co. Topeka, Kansas", implied that that company was the manufacturer; whereas the Southern Manufacturing Co. was the manufacturer; and for the further reason that it was labeled so as to deceive and mislead the purchaser since the declaration of sodium benzoate was inconspicuous and hardly visible with the naked eye.

On July 8, 1935, no claimant appearing, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

24929. Adulteration of tomato catsup and tomato puree. U. S. v. 60 Cases of Tomato Catsup, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35330, 35369, 35370, 35547, 35616. Sample nos. 26549–A, 33361–A, 33368–A, 33372–A, 33373–A.)

These cases involved shipments of tomato catsup and tomato puree, samples of which were found to contain filth resulting from worm and insect infestation.

On April 3, April 16, May 24, and June 7, 1935, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 60 cases of tomato catsup at Billings, Mont.; 41 cases of tomato catsup and 28 cases of tomato puree at Butte, Mont.; 88 cases of tomato catsup at Great Falls, Mont.; and 25 cases of tomato catsup at Havre, Mont., alleging that the articles had been shipped in interstate commerce between the dates of September 19, 1934 and January 16, 1935, by Woods Cross Canning Co., from Clearfield, Utah, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Woods Cross Brand Catsup [or "Tomato Purée"] * * * Packed by Woods Cross Canning Company Woods Cross, Utah."

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

On June 11 and July 31, and November 27, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

24930. Adulteration of jam. U. S. v. 90 Cases of Cherry Jam, et al. Default decree of condemnation and destruction. (F. & D. no. 35356. Sample nos. 11773–B, 11774–B, 11775–B, 26201–B to 26204–B incl., 26206–B to 26209–B, incl.)

This case involved various shipments of jams that contained lead in an amount that might have rendered them injurious to health.

On April 20, 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 1,022 cases of jams at Scottsbluff, Nebr., alleging that the articles had been shipped in interstate commerce in various shipments between the dates of April 26, 1934, and February 19, 1935, by the Pure Food Manufacturing Co., from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled, variously: "Delicious Brand * * * Cherry [or "Pear" or "Peach", etc.] Jam * * * Packed by the Pure Food Mfg. Co., Denver, Colo."

The articles were alleged to be adulterated in that they contained an added poisonous and deleterious ingredient, lead, which might have rendered them injurious to health.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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

24931. Misbranding of tomato sauce. U. S. v. 171 Cases and 7¾ Cases of Tomato Sauce. Decrees of condemnation. Portion of product released under bond to be relabeled; remainder destroyed. (F. & D. nos. 35365, 35376. Sample nos. 23746–B, 30113–B.)

These cases were based on interstate shipments of tomato sauce which was misbranded since it was made from domestic tomatoes and packed in the United States, and was labeled to indicate that it was a foreign product. The labeling was further objectionable because it created the impression that the article was packed by a firm other than the real packer.