On June 4, 1935, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of tomato puree at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about March 26, 1935, by the Perkins-Epeneter Pickle Co., from Denver, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perkins Whole Tomato Puree Extra heavy * * * The Perkins-Epeneter Pickle Co., Denver, Colo."

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

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, since it was labeled "Extra Heavy"; whereas it consisted of tomato puree containing the minimum amount of tomato solids.

On June 14, 1935, the Perkins-Epeneter Pickle Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24946. Adulteration of tomato sauce. U. S. v. 66 Cases of Tomato Sauce. Default decree of destruction. (F. & D. no. 35516. Sample no. 36834–B.)

This case involved an interstate shipment of tomato sauce that contained excessive mold.

On May 18, 1935, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 cases of tomato sauce at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about March 12, 1935, by the Fraering Brokerage Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dubon Brand Spanish Style Tomato Sauce * * * distributed by Dubon Co. Inc. Wilmington, Del."

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

On June 29, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

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

24947. Misbranding of alleged olive oil. U. S. v. 23 Boxes of Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 35530. Sample no. 28598–B.)

This case involved a product which was represented to be pure imported olive oil. Examination showed that it consisted essentially of domestic cottonseed oil and that the declaration of the quantity of the contents was incorrect and inconspicuous.

On May 21, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 boxes, each containing 24 bottles of alleged olive oil, at Butler, Pa., alleging that the article had been shipped in interstate commerce on or about March 20, 1935, by the G & S Specialty Co., from Youngstown, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "G & S Pure Imported Olive Oil Net 2 Fl. Ozs. G and S Specialty Co. Youngstown, Ohio."

The article was alleged to be misbranded in that the statements on the label, "Pure Imported Olive Oil Net 2 Fl. Ozs.", were false and misleading and deceived and misled the purchaser; in that the article purported to be a foreign product when not so; in that it was offered for sale under the distinctive name of another article, namely, olive oil; 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 not correct and was hardly legible.

On June 27, 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.*