that it was offered for sale under the distinctive name of another article, namely, olive oil; and that it purported to be a foreign product when not so.

On April 8 and April 22, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

24736. Adulteration of canned tomato puree. U. S. v. 396 Cases of Canned Tomato Puree. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 35060. Sample no. 25486–B.)

This case involved canned tomato puree that contained excessive mold.

On February 5, 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 396 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 17, 1934, by St. Marys Packing Co., from St. Marys, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Plymouth Rock Puree of Tomatoes * * * Distributed by Sprague, Warner and Company, Chicago, Ill."

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

On June 13, 1935, St. Marys Packing 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 the decomposed portion be segregated and destroyed.

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

24737. Adulteration of tomato puree. U. S. v. 893 Cases and 46 Cases of Tomato Puree. Decree of condemnation. Portion of product destroyed. Remainder released under bond for segregation and destruction of unfit portion. (F. & D. nos. 35150, 35354. Sample nos. 21942–B, 21947–B, 29280–B.)

These cases involved shipments of canned tomato puree, a part of which contained excessive mold.

On or about February 21, 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 893 cases of tomato puree at Chicago, Ill. On April 11, 1935, a libel was filed in the Southern District of New York against 46 cases of canned tomato puree at New York, N. Y. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about November 21, 1934, and in part on or about January 17, 1935, by the Crampton Canneries, Inc., from Celina, Ohio, and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "Mill Brand Tomato Puree * * * Packed by Crampton Canneries Inc. Celina, Ohio." The remainder was labeled: "Erna Brand Tomato Puree * * * H. B. Day Co. New York City Distributors."

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

On April 18, 1935, the Crampton Canneries, Inc., having appeared as claimant for the product seized at Chicago, and 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 the unfit portion be segregated and destroyed. On May 4, 1935, no claim having been entered for the product seized at New York, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24738. Misbranding of tomato paste. U. S. v. 102 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35151. Sample no. 25495–B.)

This case involved tomato paste of domestic manufacture which was labeled to convey the impression that it was of foreign origin.

On February 16, 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 102 cases of tomato