

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

paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 4, 1934, by the Manteca Canning Co., from Manteca, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "La Nuova Italia Brand Salsa Di Pomodoro * * * Distributed by R. Gerber and Co. Chicago."

The article was misbranded in that the following statements "La Nuova Italia Salsa Di Pomodoro", together with a foreign scene in a circular design, the design of crown and shield, and the use of the Italian national colors borne on the label, were false and misleading in that the said statements and design implied that the article was an Italian product, and for the further reason that the article purported to be a foreign product when not so.

On May 22, 1935, R. Gerber, Chicago, Ill., 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 relabeled under the supervision of this Department.

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

24739. Misbranding of brandy. U. S. v. 93 Cases of Brandy. Decree of condemnation. Product released under bond. (F. & D. no. 35159. Sample nos. 26182-B, 26183-B, 26187-B, 26188-B.)

This case involved brandy that contained less alcohol than declared on the label. The label of a portion of the article failed to bear a statement of the quantity of the contents.

On February 27, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 cases of brandy at Denver, Colo., consigned by B. Cribari & Sons, Inc., San Jose, Calif., alleging that the article had been shipped in interstate commerce in various shipments between the dates of November 2 and December 8, 1934, from the State of California into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cribari's California Grape Brandy 100 Proof [or "Mel-Lo Mist California Grape Brandy 90 Proof"] Distilled by B. Cribari & Sons, Inc. San Jose, California."

The article was alleged to be misbranded in that the statements on the labels, "100 Proof" and "90 Proof", were false and misleading and tended to deceive and mislead the purchaser, since they did not correctly state the alcohol content of the product. Misbranding was alleged with respect to a portion of the article for the further reason 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.

On June 24, 1935, B. Cribari & Sons, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the alcoholic strength of the various lots be equalized and that it be relabeled under the supervision of this Department.

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

24740. Adulteration of tomato catsup. U. S. v. 35 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35160. Sample no. 355-B.)

This case involved canned tomato catsup that was found to contain the bodies of worms and insects and worm hairs.

On February 18, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of tomato catsup at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 4, 1934, by the Utah Canning Co., from Ogden, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pierces Tomato Catsup * * * The Utah Canning Co., Ogden, Utah."

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

On June 29, 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.*