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 Pomidoro * * * Distributed by R. Gerber and Co. Chicago."

The article was misbranded in that the following statements "La Nuova Italia Salsa Di Pomidoro", 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.*