24744. Adulteration of tomato catsup. U. S. v. 38 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35187. Sample no. 22817-B.)

This case involved tomato catsup that contained excessive mold.

On February 27, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District court a libel praying seizure and condemnation of 38 cases of tomato catsup at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by John S. Mitchell, Inc. from Windfall, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Carol Brand Catsup * * * Winston & Newell Co. Minneapolis."

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

On May 14, 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.*

24745. Adulteration and misbranding of alleged olive oil. U. S. v. 100 Cans of Alleged Olive Oil. Consent decree of condemnation. Product released under bond. (F. & D. no. 35189. Sample no. 30403-B.)

This case involved an interstate shipment of alleged olive oil which was found to consist in part of oil other than olive oil.

On January 26, 1935, the United States attorney for the District of Connecticut, acting upon a report by an official of the State of Connecticut, filed in the district court a libel praying seizure and condemnation of 100 cans of alleged olive oil at Middletown, Conn., alleging that the article had been shipped in interstate commerce on or about January 25, 1935, by John DePierro from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that sunflower, peanut, or other oil had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the following statements borne on the label, "Superfine Olive Oil, Imported Italia Brand, Lucca, Italy" and "Net Contents one gallon, first pressing, cream olive oil recommended highly for table and medicinal use", were misleading and tended to deceive and mislead the purchaser, since they represented that the product was imported olive oil; whereas it consisted largely of sunflower, peanut, or other oil mixed with some olive oil compounded and packed in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On June 7, 1935, Frank Bombaci, Middletown, Conn., 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 emptied into properly labeled containers.

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

24746. Adulteration of canned huckleberries. U. S. v. 52 Cases and 80 Cases of Canned Huckleberries. Default decrees of condemnation and destruction. (F. & D. nos. 35203, 35274. Sample nos. 15344-B, 20029-B.)

These cases involved canned huckleberries which were infested with worms or insects.

On February 29 and March 16, 1935, the United States attorneys for the District of Idaho and the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 52 cases of canned huckleberries at Lewiston, Idaho, and 80 cases of canned huckleberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 19 and October 8, 1934, by the Valley Fruit Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Big Bear Brand Water Pack. Huckleberries, * * * Packed for M. A. Newmark & Co., Los Angeles, Calif." The remainder was labeled in part: "Expo Brand Huckleberries * * * Packed for National Grocery Co., Seattle, Washn."

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

On April 16 and May 13, 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.*

24747. Adulteration of canned huckleberries. U. S. v. 16 Cases, et al., of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. nos. 35204, 35431, 35432. Sample nos. 20030–B, 20287–B, 20290–B, 20291–B.)

These cases involved canned huckleberries that contained worms.

On February 28, 1935, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of canned huckleberries at Lewiston, Idaho. On May 2, 1935, libels were filed in the District of Oregon against 300 cases of canned huckleberries at Portland, Oreg., and 36½ cases at Salem, Oreg. The libels charged that the article had been shipped in interstate commerce between the dates of September 24, 1934, and February 6, 1935, by Younglove & Co., from Tacoma, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled, variously: "Porto Brand Huckleberries * * * Mason Ehrman and Co. Portland Oregon"; "White Star Brand Huckleberries * * * Packed for General Grocery Company Inc. Portland Oregon"; "B and H Brand Huckleberries Younglove & Company, Tacoma, Wash."; "Rock Dell Brand Huckleberries. Packed by Younglove & Company Tacoma Wash."

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

On May 13 and June 25, 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.*

24748. Adulteration of tomato puree. U. S. v. 137 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35208. Sample no. 31808–B.)

This case involved a shipment of tomato puree that contained excessive mold.

On March 2, 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 137 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 28, 1935, by the Cicero Canning Co., from Cicero, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blossom Brand * * * Puree of Tomatoes, Distributed by Durand-McNeill-Horner Co. Chicago, Ill."

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

On May 3, 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.*

24749. Adulteration of hot sauce. U. S. v. 100 Cases of Hot Sauce. Default decree of condemnation and destruction. (F. & D. no. 35220. Sample nos. 1584–B, 4791–B.)

This case involved a shipment of hot sauce that contained excessive mold.

On March 5, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of hot sauce at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about January 15, 1935, by the Riverbank Canning Co., of Stockton, Calif., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Troubadour Hot Sauce * * * Griffith-Durney Co. Distributors San Francisco, Calif."

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

On May 6, 1925, 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.*