

24830. Adulteration of canned tomato puree. U. S. v. Haxton Canning Co., Inc. Plea of guilty. Fine, \$25 on each of two counts; fine suspended as to one count. (F. & D. no. 30147. Sample nos. 5987-A, 5993-A to 5997-A, incl.)

This case was based on interstate shipments of canned tomato puree which contained excessive mold.

On July 31, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Haxton Canning Co., Inc., Oakfield, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about March 10 and June 4, 1932, from the State of New York into the State of Ohio of quantities of canned tomato puree which was adulterated. The article was labeled, variously: "Jack Frost Brand Tomato Puree * * * The Colter Co. Distributors Cincinnati, O."; "Tip-Toe Brand Fancy Tomato Puree * * * Distributed by The Janszen Company Cincinnati, Ohio."; "Empire State Brand * * * Tomato Puree Packed by Stittville Canning Co. Principal Office Utica, N. Y."; "Haxton Brand Fancy Tomato Puree * * * Packed by Haxton Canning Co. Inc. Principal Offices, Oakfield, N. Y."; "Dandy Line Brand Tomato Puree * * * The Colter Co. Distributors Cincinnati, O."

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 4, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25 on each of two counts, and ordered that payment of fine be suspended on one of them.

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

24831. Adulteration of canned shrimp. U. S. v. 72 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 30757. Sample no. 39806-A.)

This case involved an interstate shipment of canned shrimp which was in part decomposed.

On July 22, 1933, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cases of canned shrimp at White River Junction, Hartford, Vt., consigned by Gulf Foods, Inc., from Biloxi, Miss., in two shipments on or about June 21 and June 27, 1933, alleging that the article had been shipped in interstate commerce from the State of Mississippi into the State of Vermont and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Green Mountain Brand * * * Fresh Shrimp."

The article was alleged to be adulterated in that it was in a decomposed condition.

On June 10, 1935, the sole intervenor having abandoned its claim for the property, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24832. Misbranding of canned tuna. U. S. v. 19 Cases of Canned Tuna. Default decree of forfeiture. Product delivered to charitable institution. (F. & D. no. 30772. Sample no. 39805-A.)

This case was based on an interstate shipment of a product consisting largely of yellow-fin tuna, which was labeled to convey the impression that it was white meat tuna.

On July 26, 1933, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of canned tuna at St. Johnsbury, Vt., alleging that the article had been shipped in interstate commerce on or about June 5, 1933, by the Stewart Curtis Packers, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White Chicken Brand Tuna 'Just Like Chicken' * * * Packed by Stewart Curtis Packers, Inc. * * * Los Angeles, U. S. A."

The article was alleged to be misbranded in that the statement on the label, "White Chicken Tuna", was false and misleading and deceived and misled the purchaser.

On June 10, 1935, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be delivered to some veteran's hospital or other Government agency.

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