

24450. Adulteration of tomato puree. U. S. v. 149 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34741. Sample no. 18273-B.)

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

On January 8, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 cases of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 8, 1934, by the [Wabash] Valley Canning Co., Inc., from Attica, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chic Brand Tomato Puree * * * Hensgen-Peters-Smith Co. Distributors, St. Louis, Mo."

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

On February 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24451. Adulteration of frozen whole eggs. U. S. v. 380 Cans of Frozen Whole Eggs. Decree of condemnation. Product released under bond, conditioned that decomposed portion be denatured or destroyed. (F. & D. no. 35058. Sample no. 20684-B.)

This case involved a shipment of frozen whole eggs which were in part decomposed.

On February 2, 1935, 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 a libel praying seizure and condemnation of 380 cans of frozen whole eggs at Buffalo, N. Y., consigned by the Litchfield Produce Co., alleging that the article had been shipped in interstate commerce on or about July 7, 1934, from Litchfield, Mo., and charging adulteration in violation of the Food and Drugs Act.

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

On February 27, 1935, Swift & Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be segregated and denatured or destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24452. Adulteration of tomato puree. U. S. v. 399 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35059. Sample no. 27980-D.)

This case involved canned tomato puree that contained excessive mold.

On February 4, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 399 cases of tomato puree at Cape Girardeau, Mo., alleging that the article had been shipped in interstate commerce on or about September 29, 1934, by the G. S. Suppiger Co., from Collinsville, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crystal Springs Brand Tomato Puree * * * Packed by Henryville Canning Co., Inc. Henryville, Ind."

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

On March 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24453. Adulteration of tomato puree. U. S. v. 99 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35063. Sample no. 23935-B.)

This case involved canned tomato puree that contained excessive mold.

On February 7, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of tomato puree at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 12, 1935, by the Minster Canneries,

from Minster, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "V and H Fancy Whole Tomato Puree * * * Packed by Minster Canneries, Inc., Minster, O."

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

On March 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24454. Misbranding of canned peas. U. S. v. 366 Cases of Canned Peas. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. no. 35065. Sample no. 19816-B.)

This case involved a shipment of canned peas which were represented to consist of small peas but which consisted of a mixture of large and small peas. The article also fell below the standard established by this Department for canned peas, and was not labeled to indicate that it was substandard.

On February 7, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 366 cases of canned peas at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about December 10, 1934, by the Clyman Canning Co., from Hartford, Wis. (packer, Brownsville Canning Co., Brownsville, Wis.), and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Sunshine Brand Very Small Peas * * * Distributed by The Flach Bros. Grocery Co. Cincinnati, Ohio."

The article was alleged to be misbranded in that the statement on the label, "Very Small Peas", was false and misleading and tended to deceive and mislead the purchaser when applied to a product which was a mixture of large and small peas. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because it was not normally flavored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 5, 1935, the Hustisford Canning Co., Hustisford, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of forfeiture was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

24455. Adulteration of apples. U. S. v. 135 Bushels and 100 Bushels of Apples. Default decrees of condemnation and destruction. (F. & D. nos. 35073, 35093. Sample nos. 29237-B, 29262-B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On December 22, 1934, and January 3, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 235 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 11 and October 12, 1934, by W. E. Daly, in part from Benton Harbor and in part from Riverside, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. E. Daly, Riverside, Mich. N. W. Greening."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On February 16, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24456. Adulteration of tomato catsup. U. S. v. 387 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35068, 35071, 35134. Sample nos. 25481-B, 25483-B, 29084-B.)

These cases involved tomato catsup that contained excessive mold.

On February 9, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in