

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, fluorine, which might have rendered it injurious to health.

On November 14, 1934, the D. L. Piazza Brokerage Co., 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 it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

24332. Misbranding of canned pimientos. U. S. v. The Sumter Packing Co., Inc. Plea of guilty. Fine, \$10. (F. & D. no. 31517. Sample no. 16702-A.)

This case was based on an interstate shipment of canned pimientos which were short weight.

On April 23, 1934, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sumter Packing Co., Inc., Sumter, S. C., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about August 10, 1932, from the State of South Carolina into the State of North Carolina, of a quantity of canned pimientos which were misbranded. The article was labeled in part: (Can) "Sumter Brand Pimientos Contents 7 Ozs. * * * Packed by The Sumter Packing Co., Inc. Sumter, S. C."

The article was alleged to be misbranded in that the statement "Contents 7 Ozs.", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cans contained less than 7 ounces of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

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

24333. Adulteration and misbranding of tomato catsup. U. S. v. The Summit Packing Co., Inc. Plea of guilty. Fine, \$1 and costs. (F. & D. no. 31425. Sample nos. 28467-A, 30126-A, 30127-A, 33840-A, 33841-A, 33842-A.)

This case was based on interstate shipments of tomato catsup which contained undeclared added color and portions of which also contained excessive mold. One lot of the product failed to bear on the label a statement of the quantity of the contents.

On April 5, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Summit Packing Co., Inc., Wellsboro, Ind., alleging shipment by said company in various consignments between the dates of October 22, 1932, and January 4, 1933, from the State of Indiana into the State of Illinois of quantities of tomato catsup which was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled, variously: "Traymore Brand * * * Tomato Catsup Distributors Central Wholesale Grocers, Inc. Chicago, Ill. Made From Fresh Ripe Tomatoes"; "White City Brand * * * Pure Tomato Catsup Samuel Kunin & Sons, Inc. Distributors Chicago, Ill. Made From Fresh Ripe Tomatoes"; "White City Brand * * * Tomato Catsup Samuel Kunin & Sons, Inc. Distributors Chicago, Ill. * * * This Catsup is Free From Artificial Coloring Matter"; "Flower Girl Brand Tomato Catsup Net Weight Oz. Mallot, Johnson Co., Distributors, Chicago Ill. Made From Fresh Ripe Tomatoes."

The article was alleged to be adulterated in that a product, namely, tomato catsup which contained undeclared added color, had been substituted for tomato catsup, which the article purported to be. Adulteration was alleged with respect to portions of the article for the further reason that it consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements, "Tomato Catsup" and "Made From Fresh Ripe Tomatoes", with respect to portions of the article, and the statements, "Pure Tomato Catsup" and "This Catsup is Free From Artificial Coloring Matter", with respect to a portion of the article, were false and misleading and for the further reason that the article was