

was olive oil produced in a foreign country, and that the cans each contained 1 gallon thereof; whereas it was a product consisting almost entirely of cottonseed oil, and the cans contained less than 1 gallon thereof. 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, since the quantity stated was incorrect.

On November 13, 1934, the defendant entered a plea of guilty and the court ordered that sentence be suspended, and that defendant be placed on probation for a period of one year.

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

**24025. Adulteration of tomato puree. U. S. v. 98½ Cases, et al., of Tomato Puree. Default decrees of condemnation and destruction.** (F. & D. nos. 34213, 34218, 34230, 34241. Sample nos. 3285-B, 19602-B, 19644-B, 19645-B.)

These cases involved interstate shipments of canned tomato puree that contained excessive mold.

On October 27, October 30, October 31, and November 1, 1934, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 600 cases of canned tomato puree at Cincinnati, Ohio, consigned between the dates of September 3, 1934, and October 18, 1934, alleging that the article had been shipped in interstate commerce by the Henryville Canning Co., from Henryville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Crystal Springs Brand \* \* \* Tomato Puree Packed by Henryville Canning Co., Inc. Henryville, Ind."; "Henryville Brand Tomato Puree \* \* \* Henryville Canning Co. Henryville, Indiana"; "Park View Brand Tomato Puree \* \* \* Distributed by the Burke Grocery Co., Cincinnati, Ohio"; "Pekin Brand Tomato Puree \* \* \* Pekin Packing Co., Pekin, Ind."

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

On December 7, 1934, 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.*