22800. Adulteration of tomato ketchup. U. S. v. 9 Dozen Cans of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32814. Sample no. 68388-A.)

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

On June 12, 1934, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 dozen cans of tomato ketchup at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about October 18, 1933, by the Brocton Preserving Co., from Brocton, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Brocton Brand Tomato Ketchup * * * Brocton Preserving Co., Brocton, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

22801. Misbranding of rock candy. U. S. v. 147 Jars of Rock Candy. Default decree of condemnation and destruction. (F. & D. no. 32815. Sample no. 67725-A.)

Sample jars of rock candy taken from the shipment involved in this case were found to contain less than one half pound, the labeled weight.

On June 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 147 jars of rock candy at Asbury Park, N. J., alleging that the article had been shipped in interstate commerce on or about February 7, 1934, by Dryden & Palmer, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "D. & P. Rock Candy * * * Contents One Half Pound Net Dryden & Palmer, Inc., New York."

It was alleged in the libel that the article was adulterated in that the statement on the label, "Contents One Half Pound Net", was false and misleading and tended to deceive and mislead the purchaser. 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 statement made was incorrect.

On July 20, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

22802. Adulteration of canned mustard greens. U. S. v. 29 Cases, et al., of Canned Mustard Greens. Decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32733, 32792, 32805, 32825, 32826, 33000. Sample nos. 61842-A, 61848-A, 61849-A, 61850-A, 61853-A, 66515-A.)

These cases involved various shipments of canned mustard greens which were insect-infested.

On May 22, June 5, and June 7, 1934, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 127 cases of canned mustard greens in various lots at Eunice, Church Point, DeQuincy, and Lafayette, La. On June 23, 1934, the United States attorney for the Eastern District of Louisiana filed a libel against 89 cases of mustard greens at New Orleans, La. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of October 5, 1933, and May 9, 1934, in part by the Orange Products Co., from Orange, Tex., and in part by the Phelan Co., from Beaumont, Tex., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Del-Dixi Brand Mustard Greens * * * Orange Products Company, Packers, Orange, Texas."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

The Orange Products Co., intervened and filed answers admitting the allegation of the libels. On June 18, 1934, the cases in the Western District of Louisiana came on for hearing before the court, and judgments were entered condemn-