

**22427. Adulteration of tomato puree. U. S. v. 100 Cans of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32339. Sample no. 67369-A.)**

This case involved an interstate shipment of tomato puree which was found to contain excessive mold.

On March 20, 1934, the United States attorney for the Southern 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 100 cans of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 3, 1932, by the Marysville Packing Co. from Marysville, Ind., into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B. & O. Brand Puree of Tomatoes \* \* \* Packed by Marysville Packing Co. Marysville, Ind."

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

On April 17, 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.*

**22428. Misbranding of honey. U. S. v. 69½ Cartons, et al., of Honey. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32342, 32406. Sample nos. 66979-A, 66985-A.)**

Sample jars of honey taken from the shipments involved in these cases were found to contain less than the declared weight.

On March 9, 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 69½ cartons of honey at Newark, N. J. On March 21, 1934, a libel was filed against 26 cartons of honey at Jersey City, which was subsequently amended to cover 29½ cartons of the product. It was alleged in the libels that the article had been shipped in interstate commerce, on or about August 24, 1933 and September 20, 1933, by Honey Packers, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Carlton Brand Cooperative Association, Cont. 20 Ozs. Pure Honey Newark Wholesale Grocery Co., Inc., Distributors, Newark, New Jersey." The remainder was labeled: "Filigree Brand Pure Honey Fancy Quality Net Weight 14 Ozs. Packed for Hudson Wholesale Grocery Co. Jersey City, N. J."

The libels charged that the article was misbranded in that the statements, "Cont. 20 Ozs." and "Net Weight 14 Ozs.", appearing on the labels, were 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 April 11, 1934, the cases having been consolidated into one cause of action, and Honey Packers, Inc., claimant, having admitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be properly relabeled.

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

**22429. Misbranding of strawberry and raspberry preserves. U. S. v. 65 Cases and 52 Cases of Preserves. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32343. Sample nos. 65131-A, 65132-A.)**

Sample jars of preserves taken from the shipments involved in this case were found to contain less than 2 pounds, the declared weight.

On March 17, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 cases of strawberry preserves and 52 cases of raspberry preserves at Milwaukee, Wis., alleging that the articles had been shipped in interstate commerce on or about August 16, September 1, and September 20, 1933, by Oelerich & Berry Co., from Chicago, Ill., and charging misbranding in violation of the Food and