

22506. Adulteration of evaporated apples. U. S. v. 50 Boxes of Evaporated Apples. Default decree of destruction. (F. & D. no. 32276. Sample no. 41244-A.)

This case involved a shipment of evaporated apples which contained mice and rat excreta and were insect-infested and otherwise dirty.

On March 8, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 boxes of evaporated apples at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about February 2, 1934, by Welkley Bros., from Rochester, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Western New York Evaporated Apples * * * Packed by Welkley Bros. Rochester, N. Y."

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

On June 8, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

22507. Adulteration of tomato paste. U. S. v. 249 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32277. Sample nos. 67251-A, 67814-A.)

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

On March 17, 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 249 cases of tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about December 23, 1933, by the West Coast Packing Corporation, from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Semano Brand * * * Tomato Paste Distributors—Seeman Bros. Inc. New York."

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

On May 8, 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.*

22508. Misbranding of relishes. U. S. v. 200 Cases of Arcadia Sweet Relish, et al. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32278. Sample nos. 38470-A, 38471-A, 38472-A.)

Sample jars of relishes taken from the shipment in this case were found to contain less than 8 ounces, the weight declared on the labels.

On March 8, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,200 cases of relishes at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce on or about January 15, 1934, by Kirgans Arcadia Farms, Inc., of Cincinnati, Ohio, from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended.

The articles were labeled in part: "Arcadia Sweet Relish" [or "Pepper Relish" or "Hot Relish"] Net Wet. Eight oz. avd."

It was alleged in the libel that the articles were misbranded in that the statement "Net Weight Eight Oz. Avd." was false and misleading and tended to deceive and mislead the purchaser, and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the statement made was incorrect.

On March 21, 1934, the West Coast Gouley Burcham Co., Ltd., Los Angeles, Calif., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the products be released to the claimant for relabeling under the supervision of this Department upon the execution of a bond in the sum of \$200, conditioned that it should not be disposed of in violation of the law and that claimant pay costs of the proceedings.

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