On September 28, 1933, Coyne & Nevins Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having 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 $500, conditioned in part that it be reworked under the supervision of this Department.

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

21451. Misbranding of canned tomatoes. U. S. v. 27 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture, with provision for release under bond for relabeling. (F. & D. no. 30900. Sample no. 50848–A.)

This case involved a shipment of canned tomatoes in which the cans examined were found to contain less than the weight declared on the label.

On August 17, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of canned tomatoes at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce, on or about June 9, 1933, by the Utah Canning Co., from Ogden, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Yellowstone Brand Hand Packed Tomatoes Contents One Pound Fourteen Oz."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 pound 14 ounces, the weight declared on the label. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the packages, since the statement made was incorrect.

On August 28, 1933, Paxton & Gallagher Co., Cheyenne, Wyo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of a bond, conditioned that it be relabeled under the supervision of this Department, otherwise that it be sold by the United States marshal.

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

21452. Adulteration of canned frozen eggs. U. S. v. Kraft-Phenix Cheese Corporation. Plea of guilty. Fine, $100. (F. & D. no. 29528. I.S. no. 39523.)

This case was based on a shipment of canned frozen eggs, which were found to be in part decomposed.

On June 15, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kraft-Phenix Cheese Corporation, a corporation trading at Dallas, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 14, 1931, from the State of Texas into the State of Maryland, of a quantity of canned frozen eggs which were adulterated. The article was labeled in part: (Tag) "Whole Eggs 30 lbs. Net Kraft-Phenix Cheese Corporation * * * Dallas Texas."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On September 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

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

21453. Adulteration of powdered pectin. U. S. v. 2 Drums of Powdered Pectin. Default decree of forfeiture and destruction. (F. & D. no. 30607. Sample no. 34483–A.)

This case involved a shipment of powdered pectin which contained lead in an amount which might have rendered it injurious to health.

On June 15, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 100-pound drums of powdered pectin at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 13, 1932, by Wallerstein Co., Inc., from New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.