destroyed. On August 23, 1943, Sokol & Co., claimant for the lots located at Ozone Park, N. Y., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregating the fit portion from the unfit portion and destroying the latter, or sifting, air-blowing, or otherwise treating it so as to remove all objectionable matter, under the supervision of the Food and Drug Administration.

**5233. Adulteration of vegetable cocktail. U. S. v. 12 Cases of Vegetable Cocktail. Default decree of condemnation and destruction.** (F. D. C. No. 9944. Sample No. 13307–F.)

Examination showed this product to be undergoing chemical decomposition.

On May 17, 1943, the United States attorney for the District of Montana filed a libel against 12 cases, each containing 12 cans, of vegetable cocktail at Missoula, Mont., alleging that the article had been shipped in interstate commerce on or about June 5, 1941, by the Modern Marketing Service from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Here's Health Brand Vegetable Cocktail * * * Packed by Barron-Gray Packing Co., San Jose, Calif."

On June 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5234. Misbranding of vegetable relish. U. S. v. 398 Cases of Vegetable Relish. Decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 9810. Sample No. 28487–F.)

This product was short of the declared weight and volume.

On April 17, 1943, the United States attorney for the Western District of South Carolina filed a libel against 398 cases, each containing 12 jars, of vegetable relish at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by Helwig & Leitch, Inc., from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: (Jars) "Lord Baltimore Contents 1 Quart Vegetable Relish A Chow Chow Packed By Tidewater Pickle Co. West Point, Va." Some of the labels had "1½ Lb." stamped under "1 Quart."

The article was alleged to be misbranded in that the statements "Contents 1 Quart" and "1½ Lb." were false and misleading as applied to an article that was short-volume and short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 10, 1943, Helwig & Leitch, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for refilling or relabeling under the supervision of the Food and Drug Administration. The product was relabeled "1¼ Lbs. Net Weight."

## TOMATOES AND TOMATO PRODUCTS

**5235. Misbranding of canned tomatoes. U. S. v. 560 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 9842. Sample Nos. 30978–F, 30980–F.)

On May 1, 1943, the United States attorney for the Western District of Washington filed a libel against 560 cases, each containing 6 No. 10 cans, of tomatoes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 24, 1943, by Ensher, Alexander & Barsoom, Inc., from Isleton, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Zuyder Zee Tomatoes."

The article was alleged to be misbranded (1) in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law and its quality fell below such standard since the drained weight of the contents of the container, as determined by the method prescribed in the standard, was less than the drained weight required by the standard; and (2) its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 21, 1943, the American Wholesale Grocery Co. of Seattle, Wash., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.