

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste or pulp had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Tomato Pulp" and "Salsa di Pomodoro," borne on the labels, were false and misleading and deceived and misled the purchaser.

On December 15, 1924, the Greco Canning Co., San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13064. Misbranding and alleged adulteration of tomato paste. U. S. v. 29 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19152. I. S. No. 20978-v. S. No. W-1606.)**

On November 14, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 cases of tomato paste, consigned October 8, 1924, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Greco Canning Co., from San Jose, Calif., and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Sauce Packed By Greco Canning Co. San Jose \* \* \* Cal. \* \* \* Salsa di Pomodoro," (case) "Tomato Pulp."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Salsa Di Pomodoro" were false and misleading and deceived and misled the purchaser.

On December 15, 1924, the Greco Canning Co., San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13065. Misbranding of poultry feed. U. S. v. 34 Sacks of Poultry Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19414. I. S. No. 21280-v. S. No. E-5070.)**

On December 22, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 34 sacks of poultry feed, remaining in the original unbroken packages at Frederick, Md., consigned about July 22, 1924, alleging that the article had been shipped by the Mutual Rendering Co. (Inc.), from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Mureco Animal Products 55 Protein \* \* \* Guaranteed Analysis Protein 55% Min. Manufactured By Mutual Rendering Co. Inc. Philadelphia, Pa."

Misbranding of the article was alleged in the libel for the reason that the statements "55 Protein Guaranteed Analysis Protein 55% Min.," appearing in the labeling, were false and misleading and deceived and misled the purchaser, in that they represented that the said article contained 55 per cent of protein, whereas it contained a less amount.