

13085. Misbranding of assorted preserves. U. S. v. 130 Cases of Assorted Preserves. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19130. I. S. No. 20701-v. S. No. W-1600.)

On November 14, 1924, the United States attorney for the District of Colorado, 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 130 cases of assorted preserves, remaining in the original unbroken packages at Denver, Colo., consigned by the Wheeler-Barnes Co., Minneapolis, Minn., alleging that the articles had been shipped from Minneapolis, Minn., on or about July 31, 1924, and transported from the State of Minnesota into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Jar) "Net Weight 1 Lb. Berry-Select Brand Apple Pectin And Strawberry Preserves 55% Sugar, 25% Strawberry, 20% Apple Packed By Wheeler-Barnes Company, Minneapolis, Minn." (or "Raspberry" or "Loganberry" or "Blackberry").

Misbranding of the articles was alleged in the libel for the reason that the statements "Apple Pectin And Strawberry" (or "Raspberry," "Loganberry," or "Blackberry") "Preserves," borne on the labels of the respective containers of the said articles, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked and correctly stated on the outside of the packages.

On January 5, 1925, the H. A. Marr Grocery Co., Denver, Colo., claimant, having admitted the allegations of the libel and consented to the entry of a decree and having offered to pay the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

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

13086. Adulteration and misbranding of tomato paste. U. S. v. 14½ Cases of Tomato Paste. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. Nos. 19393, 19394, 19395. I. S. Nos. 21047-v, 21049-v, 21050-v. S. No. W-1622.)

On December 18, 1924, the United States attorney for the District of Oregon, 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 14½ cases of tomato paste, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Parodi, Erminio & Co. (Inc.), from San Francisco, Calif., on or about October 21, 1924, and transported from the State of California into the State of Oregon, 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, Santa Clara County, Cal. * * * Di-Lusso Brand Salsa Di Pomodoro."

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

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

On February 11, 1925, 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 delivered to charitable institutions for use as food.

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

13087. Adulteration and misbranding of tomato sauce. U. S. v. 163 Cases and 162 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19216. I. S. Nos. 20354-v, 20355-v. S. No. W-1615.)

On December 2, 1924, the United States attorney for the Northern District of California, 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