

16034. Misbranding of tomato paste. U. S. v. 30 Cases of Natural Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22782. I. S. No. 25802-x. S. No. 813.)

On May 16, 1928, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 cases of tomato paste, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by the Uddo Bros. Co., from New Orleans, La., on or about October 28, 1927, and had been transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Natural Tomato Paste * * * Progresso Brand, Extra Quality Napoli, * * * packed by La Sierra Heights Canning Co., Arlington, California."

It was alleged in the libel that the article was misbranded in that the statement "Natural Tomato Paste" was false and misleading and deceived and misled the purchaser when applied to this product which contained artificial color.

On August 30, 1928, Louis Paletta, San Antonio, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned in part that it be labeled "Artificially Colored."

ARTHUR M. HYDE, *Secretary of Agriculture.*

16035. Adulteration of butter. U. S. v. 9 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released upon deposit of collateral. (F. & D. No. 22978. I. S. No. 02456. S. No. 960.)

On July 10, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 tubs of butter at Boston, Mass., consigned about June 29, 1928, alleging that the article had been shipped by the Collis Products Co., Alma, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On July 16, 1928, the Collis Products Co., Alma, Wis., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of \$400 in lieu of bond, conditioned in part that it be reworked so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16036. Adulteration of tomato catsup. U. S. v. 85 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21912. I. S. No. 13316-x. S. No. E-6131.)

On May 9, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 85 cases of tomato catsup at Norfolk, Va., alleging that the article had been shipped by the Lancaster Vinegar Co., Lancaster, Pa., on or about October 25, 1926, and had been transported from the State of Pennsylvania into the State of Virginia, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On July 7, 1927, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*