

18621. Adulteration and alleged misbranding of tomato catsup. U. S. v. 151 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 26330, 26331, 26332. I. S. No. 24226. S. No. 4648.)

Examination of samples of tomato catsup from the shipment herein described having shown that the article was partially decomposed, and that the label bore an inconspicuous declaration of the added color present in the article, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On May 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 151 cases of tomato catsup, remaining in the original packages in various lots at Lubbock, Slaton, and Lamesa, Tex., consigned by the Ozark Mountain Canning Co., of Springfield, Mo., alleging that the article had been shipped from Bentonville Ark., on or about November 8, 1930, and had been transported from the State of Arkansas into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Packed by Mid-Mountain Fruit Co., Bentonville, Ark."

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

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article; and for the further reason that the statement, "Tomato Catsup," appearing on the label, was false and misleading and deceived and misled the purchaser when applied to an artificially colored tomato catsup, labeled with an inconspicuous declaration of added color.

On June 15, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated, and ordering that it be condemned and forfeited and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18622. Adulteration and misbranding of cereal meal. U. S. v. 1 7/12 Dozen Packages, et al., of Cereal Meal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25958, 25970, 26111. I. S. Nos. 12858, 12870, 22058. S. Nos. 4184, 4185, 4416.)

Examination of samples of the so-called cereal meal from the shipments herein described having shown that the article contained a gelatinous material such as agar and that the carton labels and the circular bore statements representing that it possessed health and curative properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 3 and March 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 40 7/12 dozen packages of cereal meal, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Cereal Meal Corporation, Denver, Colo., alleging that the article had been shipped from Denver, Colo., in various consignments between the dates of October 22, 1930 and March 9, 1931, and had been transported from the State of Colorado into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that agar or other gelatinous material had been mixed and packed with and substituted in part for cereal meal, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, "Cereal Meal." Misbranding was alleged for the further reason that the statement on the label, "Cereal Meal," was false and misleading, and deceived and misled the purchaser when applied to an article containing agar or other gelatinous material. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and in the circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "As a Preventive Anything that Prevents disease is much better than having to resort to regular treatment. The old saying 'An ounce of Preventive is worth a Pound of Cure,' is wise. * * * The ideal Health Food for Constipation and Evils Resulting Therefrom * * * For

the relief * * * Indigestion, Gastro-Intestinal Disorders and the many wretched conditions and symptoms that invariably accompany Constipation, * * * In Stubborn, Long-Standing Cases, * * * until the bowels become regular and normal * * * For the Vast Majority of Cases of Constipation, Thus Relieving Much Indigestion, Chronic Appendicitis and Mucous Colitis Due Thereto. Cereal Meal stimulates to action the glands along the bowel and increases bowel peristalsis (worm-like movement of bowel). It furnishes body to the stool which does not get hard and dry. Nerve force and blood supply become normalized, allowing nature to resume her perfect work. Many people suffer with chronic appendicitis and do not know it * * * A diet * * * as Cereal Meal does, relieving the bowel of fecal masses and irritative gases, will in most cases relieve the trouble. The coarse grain in Cereal Meal increases the secretory powers of the stomach and intestinal glands and decreases fermentation and gas formation, thus relieving many forms of indigestion. Mucous Colitis is a catarrhal condition of the large intestine. * * * Cereal Meal cleans out the mucus, clears the bowel and aids the mucous membrane of the colon to return to normal. Cereal Meal * * * nourishes the tissues, aids glandular action, stimulates the nerve endings and gives strength. * * * Constipation Often Cause of Children's Disease;" (circular) "Eat Your Way to Health."

On June 27, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18623. Adulteration and misbranding of canned grapefruit juice and canned orange juice. U. S. v. 75 Cases of Canned Grapefruit Juice, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 26133, 26156, 26159. I. S. Nos. 12399, 22078, 22079. S. Nos. 4426, 4466, 4467.)

Examination of samples of canned grapefruit juice and canned orange juice from the shipments herein described showed that the articles contained added sugar, also that the cans contained less than the volume declared on the labels.

On March 27 and March 31, 1931, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 75 cases of canned grapefruit juice, and 175 cases of canned orange juice, remaining in the original unbroken packages in part at Seattle, Wash., and in part at Tacoma, Wash., alleging that the articles had been shipped by the Orlando Canning Co., from Orlando, Fla., in part on or about February 20, 1931, and in part on or about March 10, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part, respectively: (Cans) "Heart of Florida Brand Fancy Florida Grapefruit Juice Contents 11 Fl. oz. or 312 Grams Packed by Orlando Canning Co., Inc., Orlando, Fla.;" and "Heart of Florida Brand Pure Florida Orange Juice Contents 10½ Fl. Oz., or 297 Grams, Packed by Orlando Canning Co., Inc., Orlando, Florida."

Adulteration was alleged in the libel filed with respect to the grapefruit juice for the reason that grapefruit juice with added sugar had been substituted in part for the article. Adulteration of the orange juice was alleged for the reason that orange juice with added sugar had been substituted for the article.

Misbranding was alleged for the reason that the statements, "Grapefruit Juice," "Contents 11 Fl. oz. or 312 Grams," "Pure * * * Orange Juice," and "Contents 10½ Fl. Oz." borne on the can labels, were false and misleading and deceived and misled purchasers when applied to grapefruit juice and orange juice which contained added sugar, and which were short volume. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect; and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On April 7 and April 15, 1931, the Preston R. Myrick Co., Seattle, Wash., and the Orlando Canning Co. (Inc.), Orlando, Fla., having appeared as claimants for respective portions of the products, and said claimants having admitted the allegations of the libels and consented to the entry of decrees, judgments of