

most of the product was fit for food. On November 26, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act, that it be made to comply with the law under the supervision of this Department, and that it might be removed to Seattle, Wash., if necessary, to accomplish such purpose. On December 21, 1932, certain lots were released unconditionally; and on January 10, 1933, 79 cases of the goods were ordered destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20490. Adulteration of cauliflower. U. S. v. 122 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29564. Sample nos. 4858-A, 4864-A.)

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic and lead in amounts which might have rendered it injurious to health.

On October 29, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 122 crates of cauliflower at Chicago, Ill., alleging that the article had been shipped in interstate commerce on October 17, 1932, by S. A. Gerrard Co., from Pueblo, Colo., to Chicago, Ill., 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 contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 14, 1932, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20491. Misbranding of canned tomatoes. U. S. v. 250 Cases and 300 Cases of Canned Tomatoes. Product adjudged misbranded; released under bond to be relabeled. (F. & D. no. 28303. I. S. nos. 50880, 50881. S. no. 6170.)

This case involved two lots of canned tomatoes, both of which were found to contain excessive peel, and one of which also was substandard color. The product was not labeled with a statement prescribed by the Secretary of Agriculture to show that it was substandard.

On May 12, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two lots, consisting of 250 cases and 300 cases, respectively, of canned tomatoes, at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce on or about February 16, 1932, by the Ozark Canning Co., from Springdale, Ark., to Lincoln, Nebr., and charging misbranding in violation of the Food and Drugs Act. The 250-case lot was labeled in part: (Can) "Ozark Pride Brand Tomatoes * * * Packed by Ozark Canning Co., Hinesville, Ark." The remainder was labeled in part: (Can) "Linco Brand Tomatoes."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since both lots contained excessive peel, and the 300-case lot also was of substandard color; and the label failed to bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that the article fell below such standard.

On July 11, 1932, the Grainger Bros. Co., Lincoln, Nebr., claimant, having admitted the libel, and having consented to condemnation and forfeiture of the property, a decree was entered adjudging the product to be misbranded. It was ordered by the court that the goods be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*