

The article was alleged to be misbranded in that the statement, "Fancy White Tuna", and the picture of the contents of a can of solid-pack tuna on the can label were false and misleading and tended to deceive and mislead the purchaser, and the misleading impression was not corrected by the inconspicuous word "Flakes" stamped on the side panels of the labels.

On September 8, 1934, the Halfhill Co., Ltd., Los Angeles, Calif., having appeared as claimant for the property, judgment was entered ordering that the product be released to the claimant under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

23916. Adulteration and misbranding of tomato puree. U. S. v. 837 Cases of Tomato Puree. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33141. Sample no. 4124-B.)

This case involved an interstate shipment of tomato puree which was found to be deficient in tomato solids.

On July 30, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 837 cases of tomato puree at Plaquemine, La., alleging that the article had been shipped in interstate commerce on or about July 10, 1934, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Buffalo Tomato Puree Color Added * * * Puree Di Pomodoro Distributed by Uddo-Taormina Corp New Orleans La."

The article was alleged to be adulterated in that an insufficiently concentrated, strained tomato product had been substituted for tomato puree, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Tomato Puree * * * Puree Di Pomodoro", were false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On November 19, 1934, the Uddo-Taormina Corporation having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

23917. Misbranding of tomato sauce. U. S. v. 323 Cases of Tomato Sauce. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33143. Sample no. 4155-B.)

This case involved an interstate shipment of tomato sauce that contained undeclared added color and which was short weight.

On July 30, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 323 cases of tomato sauce at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 22, 27, and 28, 1934, by Uddo-Taormina Corporation from Donna, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Deer Brand Tomato Sauce Spanish Style Packed in U. S. A. for Uddo Taormina Corporation Los Angeles New Orleans Brooklyn Net Contents 8 oz."

The article was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser, owing to failure to declare added color; in that the statement "Net Contents 8 oz." was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 19, 1934, the Uddo Taormina Corporation having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*