

24300. Adulteration of canned tomato puree. U. S. v. 208 Cases, et al., of Canned Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 34554, 34555, 34561, 34578. Sample nos. 24015-B to 24018-B, incl.)

These cases involved canned tomato puree which was found to contain excessive mold.

On December 12, 13, 17, and 18, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,801 cases of canned tomato puree at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in part on or about October 3, 1934, in the name of the Barker Canning Co., and in part on or about October 20 and November 7, 1934, in the name of the Barker Canning Corporation, from Barker, N. Y., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Can) "Barker Brand [or "Sylvia Brand"] Tomato Puree." The remainder of the article was unlabeled.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 1, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

24301. Adulteration of ripe olives. U. S. v. 10 Barrels of Ripe Olives. Default decree of condemnation and destruction. (F. & D. no. 34570. Sample no. 16797-B.)

This case involved an interstate shipment of ripe olives which were found to be undergoing active decomposition.

On December 17, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 barrels of ripe olives at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 25, 1934, by Alexander B. Stewart, from Exeter, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Olympic Olives Alexander B. Stewart, Exeter, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24302. Adulteration and misbranding of Champyne Americaine. U. S. v. 5 Bottles, et al., of Champyne Americaine. Decrees of condemnation. Portion of product ordered released under bond. (F. & D. nos. 34582 to 34594, incl., 34676. Sample nos. 4562-B, 4563-B, 4565-B, 4566-B.)

The product involved in these cases consisted of an effervescent alcoholic beverage having the flavor of a fermented apple product which was labeled and bottled in a manner that conveyed the impression that it was champagne.

On December 20 and December 31, 1934, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 156 cases and 104 bottles of Champyne Americaine at Washington, D. C., alleging that the article remained unsold and in the original unbroken packages in various lots in the possession of the Arcade Liquor Shop, Jameson's Wine & Liquor Co., Ritz Wine & Liquor Shop, A. Mostow, Sexton-Rhodes Wine & Liquor Co., Schnider's Wine & Liquor Store, University Market, Manhattan Wine & Liquor Shop, Auerbacks Liquor Shop, Martins Wine & Liquor Shop, M. T. Chaconas, Eig's Liquor Store, Shepherd Park Wine & Liquor Co., and Heidsik Distributing Corporation, Inc., of Washington, D. C., and was being sold and offered for sale in the District of Columbia and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "The Connoisseurs Choice' Champyne Americaine by Carlenes, Ltd. Semi Dry * * * Carlenes' Imperial * * * California Vineyards Company Chicago New York Los Angeles."

The article was alleged to be adulterated in that an effervescent alcoholic beverage having the flavor of a fermented apple product had been substituted for champagne.