

On December 8, 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 600 cases of canned peas at New York, N. Y. On December 11, 1934, the United States attorney for the Eastern District of New York, filed a libel against 997 cases of canned peas at Brooklyn, N. Y. The libels alleged that the article had been shipped in interstate commerce in various shipments on or about November 17, 20, and 22, 1934, by the G. L. Webster Co., Inc., from Cheriton, Va., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blue Dot Brand [or "Tower Hill Brand"] Early June Peas \* \* \* Packed by G. L. Webster Company, Inc. Cheriton, Va."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of the presence of an excessive percentage of ruptured peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On February 11, 1935, the G. L. Webster Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that the labels be removed from the cans and that new labels bearing the substandard legend be affixed thereto.

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

**24412. Adulteration of apples. U. S. v. 25 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34537. Sample no. 23498-B.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 27, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bushels of apples at Essex, Mo., alleging that the article had been shipped in interstate commerce on or about October 23, 1934, by O. C. Pruitt, from Cobden, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 4, 1934, 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.*

**24413. Adulteration and misbranding of canned tomato paste. U. S. v. 460 Cases of Canned Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 34564. Sample no. 25550-B.)**

This case involved an interstate shipment of canned tomato paste that was adulterated because of the presence of excessive mold. It was also misbranded since it was a product of domestic manufacture and was labeled to convey the impression that it was of foreign origin, and since it contained artificial color which was not plainly and conspicuously declared.

On December 14, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 460 cases of canned tomato paste at Wauwatosa, Wis., alleging that the article had been shipped in interstate commerce on or about October 18, 1934, by the Helen Packing Corporation, from North Collins, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ital-Ama Brand Tomato Paste with Sweet Basil Naples Style Made from Whole Tomatoes 6 Ozs. Net Salsa Di Pomodoro Con Basilico Uso-Napoli Packed by Helen Packing Corp. North Collins, N. Y. Pure Color Added."

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

Misbranding was alleged in that the statements on the label, "Ital Ama", "Uso Napoli", and "Naples Style", were misleading and tended to deceive

and mislead the purchaser, since they suggested that the product was of foreign origin; whereas it was not, and this impression was not corrected by the statement on the side panel indicating the domestic source of the product. Misbranding was alleged for the further reason that the statements on the label, "Salsa Di Pomodoro", and "Tomato Paste", were false and misleading and tended to deceive and mislead the purchaser, when applied to tomato paste containing artificial color, and this misbranding was not corrected by the inconspicuous legend appearing in a vertical position on the side panel, "Pure Color Added."

On March 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.*

**24414. Adulteration of tomato puree and tomato pulp. U. S. v. 367 Cases of Tomato Puree, et al. Default decrees of condemnation and destruction.** (F. & D. nos. 34939, 35027, 35045, 35064, 35219. Sample nos. 18275-B, 25484-B, 27964-B, 27970-B, 28000-B, 29121-B.)

These cases involved interstate shipments of tomato puree and tomato pulp that contained excessive mold.

On January 21, January 26, and March 6, 1935, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 452 cases of tomato puree and 114 cases of tomato pulp at St. Louis, Mo. On January 31, 1935, a libel was filed in the Northern District of Illinois against 47 cases of tomato puree at Chicago, Ill., and on February 4, 1935, a libel was filed in the Eastern District of Michigan against 674 cases of tomato puree at Detroit, Mich. The libels charged that the articles had been shipped in interstate commerce between the dates of September 10, 1934, and December 31, 1934, by the Everitt Packing Co., from Underwood, Ind., and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled, variously: "Chic Brand Tomato Puree \* \* \* Hensgen-Peters-Smith Co. Distributors St. Louis, Mo."; "Sail On Tomato Pulp \* \* \* General Grocer Company, Distributors, St. Louis, Missouri"; "Ever-It Brand Tomato Puree \* \* \* Packed by Everitt Packing Co. Underwood Indiana"; "De-Luxe Brand \* \* \* Tomato Puree Lowell-Krekeler Grocer Co. Distributors St. Louis, Mo."

The articles were alleged to be adulterated in that they consisted wholly or in part of decomposed vegetable substances.

On February 14, March 1, March 26, March 28, and May 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

**24415. Misbranding of salad oil. U. S. v. 25 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable organization.** (F. & D. no. 34581. Sample no. 21268-B.)

This case involved a product consisting of cottonseed oil and a small amount of olive oil which was labeled to convey the impression that it was Italian olive oil.

On or about December 21, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about November 17, 1934, by Pietro Esposito & Bro., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fine Oil La Gloriosa Brand \* \* \* La Gloriosa Packing Co. P. E. & B. Inc. N. Y."

The article was alleged to be misbranded in that the following statements and designs appearing on the can label were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was Italian olive oil, whereas it consisted essentially of domestic cottonseed oil: "La Gloriosa", "Olio Finissimo \* \* \* Premiato All' Esposizione Di Roma 1924 Italia", "Puro e delizioso olio composto dell' ottanta cinque per cento di scelto olio vegetale e quindici per cento di olio d'Oliva di Lucca", and "Garentisce il miglior risultato per tavola e cucina Italiana. Altamente raccomandato per frittura, insalata e salse all' Italiana [designs of a crown, olive branches and medal carrying the Italian national colors]." Misbranding was alleged.