

be separated from the portion suitable for consumption as food, a decree was entered ordering that the product be released under bond conditioned that all portions unfit for consumption as food be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25243. Adulteration of tomato puree. U. S. v. Henryville Canning Co. Plea of guilty. Fine, \$25. (F. & D. no. 34082. Sample nos. 3285-B, 19602-B, 19603-B, 19644-B.)**

This case was based on shipments of canned tomato puree that contained excessive mold.

On September 5, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Henryville Canning Co., a corporation, Henryville, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 3, 7, 10 and 18, 1934, from the State of Indiana into the State of Ohio, and on or about September 15, October 6 and October 17, 1934, from the State of Indiana into the State of Kentucky of quantities of tomato puree which was adulterated.

The article was labeled in part, variously: "Crystal Springs Brand \* \* \* Tomato Puree Packed by Henryville Canning Co., Inc. Henryville, Ind."; "Henryville Brand Tomato Puree Henryville Canning Co., Henryville, Indiana"; "Park View Brand Tomato Puree \* \* \* Distributed by The Burke Grocery Co. Cincinnati, O."

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

On October 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25244. Adulteration of tomato sauce and tomato catsup. U. S. v. 49 Cases and 99 Cases of Tomato Sauce and 31 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35836, 35840. Sample nos. 26875-B, 26876-B, 37246-B.)**

These cases involved tomato sauce and tomato catsup that contained filth resulting from worm infestation.

On or about July 31 and August 8, 1935, the United States attorneys for the Southern District of Florida and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 31 cases of tomato catsup at Miami, Fla., and 148 cases of tomato sauce at Houston, Tex., alleging that the articles had been shipped in interstate commerce on or about April 5 and July 9, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration and violation of the Food and Drugs Act. The catsup was labeled in part: "Sea Rock Brand Tomato Catsup \* \* \* Packed by Santa Cruz Fruit Packing Company Oakland California." The sauce was labeled in part: "'For All' Brand" or ["New Day"] Tomato Sauce \* \* \* Harcourt-Greene Co. Distributors San Francisco, Calif."

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

On October 5 and December 16, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25245. Misbranding of canned tomatoes. U. S. v. 1,460 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 35834. Sample no. 39590-B.)**

This case involved a shipment of canned tomatoes which were substandard and were not labeled to indicate that fact.

On July 31, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,460 cases of canned tomatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 4, 1935, by the Columbus Foods Corporation, from McAllen, Tex., and charging violation of the Food and Drugs Act as amended.

The article was labeled in part: "Blue Bonnet Brand Tomatoes \* \* \* Packed at McAllen, Texas \* \* \* by Columbus Foods Corporation General Office Columbus, Wis."

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 since it did not consist of whole pieces, it was not normally colored and was not peeled, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On December 7, 1935, the Columbus Foods Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25246. Adulteration of tomato paste. U. S. v. 270 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35696. Sample no. 33928-B.)**

This case involved a product which contained filth resulting from worm infestation.

On July 3, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 cases of tomato paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 10, 1934, by the Hershel California Fruit Products Co., from San Jose, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Contadina Brand Tomato Paste \* \* \* Packed by Hershel California Fruit Products Company San Jose, Calif."

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

On October 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25247. Adulteration of tomato catsup. U. S. v. 208 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35756. Sample nos. 37939-B, 37940-B.)**

This case involved a shipment of tomato catsup, samples of which were found to be infested with worms and insects.

On July 11, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 208 cases of tomato catsup at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 26, 1935, by the National Grocery Co., from Oakland, Calif., and charging adulteration and violation of the Food and Drugs Act. The article was labeled in part: "Expo Brand Catsup Packed for National Grocery Co. Seattle Wash."

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

On October 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25248. Adulteration and misbranding of butter. U. S. v. Toulon Milk Products Co. Plea of guilty. Fine, \$100. (F. & D. no. 35975. Sample no. 31959-B.)**

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat.

On September 9, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Toulon Milk Products Co., a corporation, Toulon, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 18, 1935, from the State of Illinois into the State of Wisconsin of a quantity of butter which was adulterated and misbranded. The article was labeled in part: [Print] "Swift's Premium Quality Brookfield Butter \* \* \* Distributed by Swift & Company."