

misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Home Town 21% Protein Dairy Feed with Limestone * * * Manufactured by El Reno Mill & Elevator Company El Reno, Oklahoma."

The article was alleged to be adulterated in that a product containing more than 10 percent of crude fiber and less than 44 percent of nitrogen-free extract, containing undeclared alfalfa meal, soybean oil meal, and corn gluten meal, and not containing declared yellow corn meal, corn gluten feed, and dried beet pulp, had been substituted for the article.

The article was alleged to be misbranded in that the statements "Guaranteed Analysis * * * Crude Fiber not more than 10.00 Per Cent, * * * Nitrogen-Free Extract not less than 44.00 Per Cent" and "Composed of wheat bran, 43% protein cottonseed meal, yellow corn meal, ground whole oats, ground whole barley, dried beet pulp, corn gluten feed, 34% protein linseed meal, ¾% salt, 2% ground limestone", borne on the tags attached to the sacks containing the article, were false and misleading and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statement represented that the article contained not more than 10 percent of crude fiber and not less than 44 percent of nitrogen-free extract and was composed solely of the ingredients declared on the tag; whereas it contained more than 10 percent of crude fiber and less than 44 percent of nitrogen-free extract and was not composed of the ingredients declared since it did not contain yellow corn meal, corn gluten feed, or dried beet pulp, which were declared on the tag, and did contain alfalfa meal, soybean oil meal, and corn gluten meal which were not declared.

On September 17, 1936, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$20 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26180. Adulteration of tomato paste. U. S. v. 249 Cases of Tomato Paste. Decree of condemnation and destruction. (F. & D. no. 86131. Sample no. 26888-B.)

This case involved tomato paste that contained filth resulting from worm infestation.

On or about August 14, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 249 cases of tomato paste at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about July 20, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "G. F. & D. Brand Tomato Paste with Basil * * * Packed Expressly for Galanidis, Forchas and Dourus, Inc., Norfolk, Virginia."

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

On January 15, 1936, the Manteca Canning Co., having filed an answer to the libel, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26181. Misbranding of canned tomatoes. U. S. v. 97 Cases and 362 Cases of Canned Tomatoes. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 36130, 36184. Sample nos. 27449-B, 49001-B.)

These cases involved canned tomatoes that fell below the standard established by this Department and that were not labeled to indicate that they were substandard.

On August 13 and August 21, 1936, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 cases of canned tomatoes at Wichita, Kans., and 362 cases of canned tomatoes at Arkansas City, Kans., alleging that the article had been shipped in interstate commerce in part on or about January 28, 1935, by Tyrrell & Garth from Highlands, Tex., and in part on or about June 24, 1935, by A. A. Laughlin from Los Fresnos, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pan-Tree Brand Tomatoes, * * * Distributed by the Ranney Davis Mercantile Co. * * * Wichita, Kansas."