

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 it did not consist of whole or large pieces and a portion thereof was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On September 28, 1936, the Ranney-Davis Mercantile Co., Wichita, Kans., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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

26182. Adulteration and misbranding of tomato paste. U. S. v. 725 Cases of Tomato Paste, and other cases. Default decrees of condemnation and destruction. (F. & D. nos. 36252, 36346, 36347, 36348, 36349, 36350, 36351, 36352, 36353, 36354, 36355, 36356. Sample no. 15540-B.)

These cases involved interstate shipments of tomato paste that contained worm debris, and the label of which bore deceptive and misleading representations that the article contained sweet basil.

The United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court on August 30, 1935, a libel, and on September 19, 1935, 11 libels, praying seizure and condemnation of tomato paste in the quantities and at the places, respectively, as follows: 725 cases, 160 cases, 100 cases, and 25 cases, at Youngstown, Ohio; 100 cases, 25 cases, 30 cases, 25 cases, and 30 cases, at Cleveland, Ohio; 100 cases and 25 cases at Akron, Ohio; and 100 cases at Canton, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce on or about June 27, 1935, by the Uddo-Taormina Corporation, from Los Angeles, Calif., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article, contained in cans, was labeled in part: "Fancy California Tomato Paste With Sweet Basilico Giardiniera Brand Qualita Finissima Salsa di Pomodoro Prepared from fresh ripe tomatoes, harmless color and sweet basil Packed by La Sierra Heights Canning Co. Los Angeles, Calif. Net Weight 6 Ozs. Avd."

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

The article was alleged to be misbranded in that the statements on the label, "With Sweet Basilico" and "Prepared from * * * and sweet basil", were false and misleading and tended to deceive and mislead the purchaser, since the product contained no sweet basil.

On May 23, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

26183. Adulteration of apples. U. S. v. 50 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36494. Sample no. 32709-B.)

This case involved apples that contained added poisonous ingredients, arsenic and lead.

On September 11, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of apples at Dodge City, Kans., alleging that the article had been shipped in interstate commerce on or about September 5, 1935, by R. J. Dunn, from Rodgers, Ark., and charging adulteration in violation of the Food and Drugs Act.

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

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26184. Adulteration of apples. U. S. v. 53 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36495. Sample no. 32710-B.)

This case involved apples that contained added poisonous ingredients, arsenic and lead.

On September 11, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court