

27059. Adulteration and misbranding of tomato paste. U. S. v. 100 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 38552. Sample nos. 2916-C, 2917-C.)

This product was insufficiently concentrated and contained filth resulting from worm and insect infestation. It was also short weight.

On November 17, 1936, 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 100 cases of canned tomato paste at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 16, 1936, by Parrott & Co. from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Buon Gusto Brand Good Taste Purity Concentrato di Pomodoro Packed For Metropolitan Grocery Co. A. Merlino & Sons * * * Seattle, Wash. Net Weight 7 Lbs. 12-oz. * * * Tomato Paste."

It was alleged to be adulterated in that a tomato product containing less than 22 percent of tomato solids had been substituted wholly or in part for tomato paste, a product which should contain at least 22 percent of tomato solids; and 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, "Concentrato Di Pomodoro * * * Tomato Paste (Concentrato) * * * Net Weight 7 Lbs. 12-Oz.", were false and misleading and tended to deceive and mislead the purchaser, when applied to an article that was insufficiently concentrated for tomato paste and that was short weight. The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, tomato paste, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On March 25, 1937, 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.*

27060. Adulteration of canned blueberries. U. S. v. 197 Cases of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38567. Sample nos. 11668-C, 11677-C.)

This case involved canned blueberries that contained maggots.

On November 23, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 197 cases of canned blueberries at Malden, Mass., alleging that they had been shipped in interstate commerce on or about September 11, 1936, by S. D. & C. C. Cousins, Jr., from Ellsworth, Maine, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cousins Maine Blueberries * * * Packed by S. D. & C. C. Cousins Jr. Brooklin, Me."

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

On March 29, 1937, 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.*

27061. Adulteration and misbranding of raspberry preserve. U. S. v. 37 and 82 Cases of Raspberry Preserve. Decree of condemnation. Product ordered released under bond subject to relabeling. (F. & D. no. 38705. Sample nos. 11673-C, 11675-C.)

This preserve was deficient in fruit and contained excess sugar, excess fruit moisture, and excess ash material.

On November 25, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 119 cases of raspberry preserve at Malden, Mass., alleging that the article had been shipped in interstate commerce on or about November 5, 1933, by Fresh Grown Preserve Corporation from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Nature's Own Brand Pure Raspberry Preserve * * * Fresh Grown Preserve Corp. Brooklyn, New York."

The article was alleged to be adulterated in that excess sugar, moisture which should have been removed by boiling, and added ash material had been mixed and packed with it so as to reduce or lower its quality; in that a mixture of fruit, sugar, and ash material, containing less fruit and more sugar than preserve, and containing fruit moisture which should have been removed by boiling, had been substituted for preserve, which the article purported to be; and in that it had been mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Pure Raspberry Preserve", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article resembling a preserve but which contained less fruit than preserve, and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, preserve.

On January 23, 1937, the Fresh Grown Preserve Corporation having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to relabeling.

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

27062. Adulteration of walnuts and walnut meats. U. S. v. 12 Bags of Walnuts in Shell and 8 Bags of Walnut Meats. Default decree of condemnation and destruction. F. & D. nos. 38710, 38711. Sample nos. 29318-C, 29319-C.)

These nuts and nut meats were wholly or in part moldy, rancid, and decomposed.

On November 25, 1936, 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 12 bags of walnuts in shell and 8 bags of walnut meats at Tacoma, Wash., alleging that they had been shipped in interstate commerce on or about November 19, 1936, by John Marino from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

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

On February 11, 1937, 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.*

27063. Adulteration of tomato puree. U. S. v. 24 Cases and 177 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 38714, 39228. Sample nos. 25713-C, 30418-C.)

A part of this product contained excessive mold and the remainder contained filth resulting from worm infestation.

On November 30, 1936, and March 17, 1937, the United States attorneys for the Northern District of Illinois and the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in their respective district court libels praying seizure and condemnation of 24 cases of tomato puree at Chicago, Ill., and 177 cases of tomato puree at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 21 and October 30, 1936, by the Decatur Packing Corporation from Greensburg, Ind., and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Geoghegan's Delicious Tomato Puree * * * Distributed by Edward A. Geoghegan * * * Chicago, Illinois." The remainder was labeled: "Golf Club Brand Tomato Puree Green Bros. Mercantile Co. Kansas City, Mo. Distributors."

The article was alleged to be adulterated in that a portion consisted in whole or in part of a decomposed vegetable substance, and the remainder consisted in whole or in part of a filthy vegetable substance.

On January 27 and April 26, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

27064. Adulteration of tomato ketchup, tomato puree, and tomato juice. U. S. v. 143 Cartons of Tomato Ketchup, et al. Decrees of condemnation and destruction. (F. & D. nos. 38524, 38525, 38566, 38722, 38723, 38762 to 38767, incl. Sample nos. 6081-C, 6082-C, 6083-C, 16183-C, 16185-C, 18289-C to 18292-C, incl., 18294-C, 18395-C, 19296-C, 25716-C to 25721-C, incl.)

Samples taken from certain shipments of these products were found to contain excessive mold, those taken from other shipments were found to contain