

commerce on or about March 7, 1937, by C. R. Bull from Miami, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Steel Brand U. S. 1."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted for U. S. Grade No. 1 potatoes, which it purported to be.

The article was alleged to be misbranded in that the statement on the label, "U. S. 1", was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. Grade No. 1.

On March 15, 1937, E. Meltzer, Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered, and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

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

**27118. Adulteration of apples. U. S. v. 73 Boxes of Apples. Consent decree entered. Product released under bond.** (F. & D. no. 39215. Sample no. 40965-C.)

This product was contaminated with lead.

On March 3, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 boxes of apples at Los Angeles, Calif., alleging that they had been shipped in interstate commerce on or about January 28, 1937, by the Pacific Fruit & Produce Co., from Dryden, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tye Brand Washington Apples \* \* \* shipped by Wenatchee Apple Distributors, Wenatchee, Washington."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On March 5, 1937, Western Fruit Jobbers, Inc., Los Angeles, Calif., claimant, having consented to condemnation of the product, a decree was entered ordering the apples released under bond subject to reconditioning. On March 23, 1937, the claimant having complied with the terms of the decree, the court ordered that the release be made permanent and the bond exonerated.

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

**27119. Adulteration of tomato catsup. U. S. v. 35 and 68 Cases of Tomato Catsup. Consent decrees of condemnation and destruction.** (F. & D. nos. 39224, 39227. Sample nos. 40955-C, 40954-C.)

This product contained filth resulting from worm infestation.

On March 15 and 17, 1937, the United States attorney for the District of Hawaii, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 103 cases of tomato catsup at Honolulu, Hawaii, consigned by Kern Food Products, Inc., alleging that the article had been shipped in interstate commerce on or about February 17, 1937, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Kerns Pure Tomato Catsup \* \* \* Los Angeles."

The article was alleged to be adulterated in that it was in whole or in part filthy, decomposed, or putrid.

On March 22, 1937, Central Market, Ltd., and A. M. Peters, Honolulu, Hawaii, and the Kern Preserving Co., Los Angeles, Calif., claimants, 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 destroyed.

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

**27120. Misbranding of butter. U. S. v. 550 Cartons of Butter. Decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. no. 39318. Samples nos. 20231-C to 20234-C, incl.)

This butter was labeled "Made in U. S.", but in fact was made in Russia.

On or about March 23, 1937, 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 550 cartons of butter at Boston, Mass., consigned between the dates of February 17 and March 1, 1937, alleging that the article had been shipped in interstate commerce by Armour & Co., from New York, N. Y., and charging misbranding

in violation of the Food and Drugs Act. It was labeled in part: (Parchment paper) "Creamery Butter Made from Pasteurized cream Made in U. S. A."

The article was alleged to be misbranded in that it was falsely branded as to the country in which it was manufactured or produced.

On March 25, 1937, Armour & Co., 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 to be relabeled under the supervision of this Department.

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

**27121. Adulteration of canned tomato paste. U. S. v. 20, 69, and 139 Cases of Tomato Paste. Default decrees of condemnation and destruction.**  
(F. & D. nos. 39022, 39029, 39085. Sample nos. 8012-C, 28486-C, 28680-C.)

This product contained excessive mold.

On January 30, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of canned tomato paste at Baltimore, Md. On February 2 and February 15, 1937, libels were filed against 69 cases of the product at Youngstown, Ohio, and 139 cases at Pittsburgh, Pa. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of October 12, 1936, and January 8, 1937, by the Marlboro Canning Corporation from Marlboro, N. Y., and that it was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Lola Brand Tomato Paste \* \* \* Packed in U. S. A. By The Marlboro Canning Corp. Marlboro, N. Y."

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

On March 3, March 17, and April 8, 1937, no claimants having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**27122. Adulteration and misbranding of tomato paste. U. S. v. 140 Cases of Tomato Paste. Default decree of condemnation and destruction.**  
(F. & D. no. 39024. Sample no. 28482-C.)

This tomato paste contained excessive mold and was deficient in tomato solids.

On February 2, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 cases of canned tomato paste at Youngstown, Ohio, alleging that it had been shipped in interstate commerce on or about December 3, 1936, by the Canandaigua Juice Co., from Canandaigua, N. Y. and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sole Brand \* \* \* Salsa Di Pomodoro \* \* \* Packed by Canandaigua Juice Co. Canandaigua, N. Y. \* \* \* Tomato Paste."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance, and in that a substance deficient in tomato solids had been substituted for tomato paste, which it purported to be.

The article was alleged to be misbranded in that the statements on the labels, "Salsa Di Pomodoro" and "Tomato Paste", were false and misleading and tended to deceive and mislead the purchaser when applied to a product that was deficient in tomato solids.

On March 17, 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.*

**27123. Adulteration of dried codfish. U. S. v. 25 Boxes of Codfish and 5 Boxes of Codfish Rolls. Default decrees of condemnation and destruction.**  
(F. & D. nos. 38825, 39026. Sample nos. 29656-C, 29671-C.)

Samples of this product were found to be decomposed and wormy.

On December 15, 1936, and February 1, 1937, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 boxes of dried codfish at Seattle, Wash., alleging that the article had