

28094. Adulteration of tomato puree. U. S. v. Frazier Packing Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 39472. Sample Nos. 4968-C, 4969-C.)

This product contained excessive mold.

On June 15, 1937, 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 (amended October 16, 1937) against the Frazier Packing Corporation, Elwood, Ind., alleging shipment by the defendant on or about November 24 and 29, 1936, from the State of Indiana into the State of Illinois of quantities of tomato puree which was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Ward Rose Brand Tomato Puree Packed for C. E. Ward & Sons Decatur, Ill."

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

On October 16, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$50.

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

28095. Adulteration of canned beets. U. S. v. 279 Cases of Beets. Default decree of destruction. (F. & D. No. 39564. Sample No. 30449-C.)

This product was in part decomposed.

On May 5, 1937, 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 279 cases of canned beets at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 19, 1937, by the Mammoth Springs Canning Co. from Sussex, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Summer Girl Brand Beets Packed for the H. D. Lee Mercantile Company, Kansas City, Missouri, Salina, Kansas."

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

On October 18, 1937, no claimant having appeared, the product was adjudged adulterated and its destruction was ordered.

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

28096. Adulteration and misbranding of tomato catsup. U. S. v. 173 Cases of Tomato Catsup. Default decree of destruction. (F. & D. No. 39583. Sample No. 22568-C.)

This product contained filth resulting from worm infestation and was short weight.

On May 14, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 173 cases of tomato catsup at Marianna, Fla., alleging that the article had been shipped in interstate commerce on or about November 14, 1936, by the San Carlos Canning Co. from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Topco Brand Tomato Catsup * * * Net Contents 6 Lb. 12 Oz. Packed by Tomato Packing Corp., Harbor City, California."

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

It was alleged to be misbranded in that the statement on the label, "Net Contents 6 Lb. 12 Oz.," was false and misleading and deceived and misled the purchaser; and in that it was food in package form and the correct quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 23, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

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

28097. Adulteration and misbranding of frozen egg yolk. U. S. v. 381 Cans of Frozen Egg Yolk. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 39687. Sample No. 8877-C.)

This product contained excess added egg white.

On June 4, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 381 cans of frozen egg yolk at Jersey