

puree and 23 cases of tomato paste at Mobile, Ala., alleging that the articles had been shipped in interstate commerce from New Orleans, La., one lot on or about February 13, 1937, by the Taormina Corporation, and the other lots on or about August 5, 1937, by the Uddo Taormina Corporation, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled variously: "Baby Brand * * * Tomato Puree * * * Packed by Uddo Taormina Corp. New Orleans, La."; "Rosa Brand * * * Tomato Paste Distributed by Uddo Taormina Corp., New Orleans, La."; "Buffalo Brand Tomato Puree * * * Packed by Taormina Corp. New Orleans."

The articles were alleged to be adulterated in that substances deficient in tomato solids had been substituted for tomato puree or tomato paste, which they purported to be.

They were alleged to be misbranded in that the statements "Tomato Puree * * * Puree di Pomodoro" and "Tomato Paste * * * Salsa di Pomodoro," appearing on their respective labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles deficient in tomato solids.

On October 29, 1937, the Uddo Taormina Corporation, claimant for the Rosa brand tomato paste and the Baby brand tomato puree, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the said products were ordered released under bond conditioned that they be relabeled. On December 15, 1937, no claimant having appeared for the Buffalo brand tomato puree, it was ordered sold on condition that it be relabeled if purchased for resale.

M. L. WILSON, *Acting Secretary of Agriculture.*

28890. Misbranding of olive oil. U. S. v. 3 Cases of Olive Oil. Product adjudged misbranded and ordered delivered to a welfare organization. (F. & D. No. 41907. Sample No. 11551-D.)

This product was short of the declared volume.

On March 8, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cases of olive oil at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about January 3, 1938, by Parodi, Erminio & Co. from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Virgin Olive Oil * * * Packed For G. Siml. Parodi, Erminio and Co., Inc., Distributors, San Francisco, Calif."

It was alleged to be misbranded in that the statement borne on the label, "Net Contents One Quart," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short volume. It was alleged to be misbranded further 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 quantity stated was not correct.

On April 30, 1938, no claimant having appeared, adjudication of misbranding was entered and the product was ordered delivered to a welfare organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

28891. Adulteration of dried peaches. U. S. v. 39 Boxes of Peaches. Default decree of condemnation and destruction. (F. & D. No. 41574. Sample No. 446-D.)

This product was worm-infested.

On February 2, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 boxes of dried peaches at Fort George Wright, Wash., alleging that the article had been shipped in interstate commerce on or about December 16, 1937, by Jacobson Shealy from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Peaches Jacobson Shealy San Francisco Cal."

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

On March 5, 1938, no claimant having appeared, judgment of condemnation and forfeiture, with order of destruction, was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*