

**29059. Adulteration of canned tomato puree. U. S. v. 938 Cases and 222 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. & D. Nos. 42182, 42183. Sample Nos. 15520-D, 15521-D.)**

This product contained excessive mold.

On or about April 23, 1938, 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 1,160 cases of tomato puree at Lawrence, Kans.; alleging that the article had been shipped in interstate commerce in part on or about September 24, 1937, and in part on or about February 9, 1938, by Columbus Foods Corporation from Columbus, Wis.; and charging adulteration in violation of the Food and Drugs Act.

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

On May 14, 1938, the Columbus Foods Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

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

**29060. Misbranding of canned tomatoes. U. S. v. 398 Cases of Tomatoes. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 42135. Sample No. 5421-D.)**

This product was substandard because the fruit was not normally colored, and it was not labeled to indicate that it was substandard.

On April 7, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 398 cases of canned tomatoes at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about September 20, 1937, by M. Schild & Co. from Winchester, Tenn.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Spring City Brand Hand Packed Tomatoes \* \* \* M. Schild & Co. Dayton, Tenn."

It 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, since it was not normally colored and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 31, 1938, no claimant having appeared, judgment of condemnation was entered, and the product was ordered delivered to a charitable institution for use as food, but not for sale.

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

**29061. Misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42365. Sample No. 16815-D.)**

This product was below U. S. grade No. 1 because of excessive grade defects.

On May 11, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about May 5, 1938, from Dover-Foxcroft, Maine, by W. H. Martin, of Bangor, Maine; and charging misbranding in violation of the Food and Drugs Act.

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

On May 11, 1938, Wm. A. Scarlett & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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

**29062. Adulteration of butter. U. S. v. 31 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42889. Sample No. 21741-D.)**

This product contained less than 80 percent of milk fat.

On May 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce

on or about April 21, 1938, by Barre Mills Cooperative Creamery from West Salem, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On May 11, 1938, C. H. Weaver & Co., Chicago, claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to the legal standard.

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

**29063. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42317. Sample No. 21711-D.)**

This product contained less than 80 percent of milk fat.

On April 6, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 24, 1938, by the Fonda Creamery from Fonda, Iowa; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On April 29, 1938, L. J. Ehlert, trading as Fonda Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

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

**29064. Adulteration of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 42318. Sample No. 21724-D.)**

This product contained less than 80 percent of milk fat.

On April 14, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 2, 1938, by the Jayhawk Cooperative Creamery Association, from Holton, Kans.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On May 4, 1938, Land O'Lakes Creameries, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

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

**29065. Adulteration and misbranding of cream soda flavor. U. S. v. 5 Glass Jugs of Cream Soda Flavor. Default decree of condemnation and destruction. (F. & D. No. 41323. Sample No. 56741-C.)**

This product contained about 12 percent of diethylene glycol, a poison.

On January 4, 1938, 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 five jugs of cream soda flavor at Union City, N. J.; alleging that the article had been shipped in interstate commerce on or about November 29, 1937, by Conron & Co., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "From Conron & Co., Inc. Manufacturers of Extracts, \* \* \* Etc. \* \* \* Cream Soda Flavor."

It was alleged to be adulterated in that a product containing a glycol, a poison, had been substituted in whole or in part for a food flavor, which it purported