

Tomato Paste \* \* \* Packed by Flotill Products Inc., Stockton Calif.”; or “Insegna Brand Pure Tomato Paste \* \* \* Packed for A. M. Beebe Company San Francisco.”

On March 6 and 15, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**633. Adulteration of canned tomato paste. U. S. v. 51 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1889. Sample No. 12961-E.)**

This product contained excessive mold.

On April 27, 1940, the United States attorney for the District of Hawaii filed a libel against 51 cases of canned tomato paste at Honolulu, T. H., alleging that the article had been shipped in interstate commerce on or about March 25, 1940, by Theo. H. Davies & Co., Ltd., from San Francisco, Calif.; and charging that it was adulterated in that it contained mold and was in whole or in part filthy, putrid, and decomposed and otherwise unfit for food. The article was labeled in part: (Cans) “Flotta Brand Pure Tomato Paste \* \* \* Packed by Flotill Products Inc. Stockton, Calif.”

On May 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**634. Adulteration of canned tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1716. Sample No. 10145-E.)**

This product contained excessive mold.

On March 27, 1940, the United States attorney for the District of New Jersey filed a libel against 10 cases of canned tomato paste at Fort Lee, N. J., alleging that the article had been shipped in interstate commerce on or about February 20, 1940, by Moosalina Products Corporation from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) “Moosalina Brand \* \* \* Pure Tomato Paste \* \* \* Packed in California for Moosalina Products Corp.”

On May 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**635. Adulteration of tomato paste. U. S. v. 48 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1461. Sample No. 73382-D.)**

This product was found to contain worm and insect fragments and excessive mold, indicating the presence of decomposed material.

On February 9, 1940, the United States attorney for the Southern District of Florida filed a libel against 48 cases, each containing 6 cans, of tomato paste at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about December 27, 1939, by Norman L. Waggoner, Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

The article was labeled in part: “Madonna Fancy Pure Tomato Paste \* \* \* Packed by Riverbank Canning Company, Riverbank, California.”

On April 27, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

**636. Adulteration of tomato paste. U. S. v. 679 Cases of Tomato Paste (and 8 other seizure actions involving tomato paste). Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of unfit portions. (F. D. C. Nos. 1187, 1192, 1353, 1354, 1429, 1430, 1458, 1539, 1739. Sample Nos. 56441-D, 56442-D, 72950-D, 72954-D, 85690-D, 85842-D, 85843-D, 85844-D, 86053-D.)**

Samples taken from three lots of this product were found to contain excessive mold, indicating the presence of decomposed material. Those taken from the remaining lots were found to contain fragments of larvae and other filth resulting from insect infestation.

Between December 22, 1939, and April 3, 1940, the United States attorneys for the Northern District of New York, the Eastern District of New York, the Southern District of New York, and the District of New Jersey, filed libels against 1,359 cases of tomato paste at Albany, N. Y., 362 cases at Brooklyn, N. Y., 590 cases at New York, N. Y., and 430 cases of the product at Hoboken, N. J. On February 15, 1940, the libel that was filed in the Eastern District of New York on January 15, 1940, was amended. It was alleged in the libels that the article had been shipped in interstate commerce within the period

from on or about November 9, 1939, to on or about January 23, 1940, by the Riverbank Canning Co. from Riverbank, Calif.; and that it was adulterated. The article was labeled in part variously: "Madonna Brand Tomato Paste Packed by Riverbank Canning Company"; "Campagnola Brand Tomato Paste \* \* \* Packed by Harbor City Canning Company, Los Angeles, California"; "Minervini Brand Pure Tomato Paste \* \* \* Packed for John Minervini, Hoboken, N. J."; "Fancy Del Bueno Brand Pure Tomato Paste \* \* \* Distributors P. Astarbi and Co., Inc."; "Baladera Brand Tomato Paste \* \* \* Packed in California for G. Cuccia & Sons Incorporated, New York"; "Premier Tomato Paste Francis H. Leggett & Co., Distributors New York"; or "Appetit Brand Tomato Paste Distributors J. Ossola Co. New York."

Adulteration was alleged with respect to portions of the article in that it consisted in whole or in part of a decomposed substance. Adulteration was alleged with respect to the remainder in that it consisted in whole or in part of a filthy substance.

On February 2, February 20, March 9, and June 28, 1940, the Riverbank Canning Co., claimant, 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 released under bond conditioned that any portions which were fit for human consumption be segregated from the unfit portion and that the latter be destroyed.

**637. Adulteration of tomato paste. U. S. v. 299 Cases of Tomato Paste. Default decree of condemnation and destruction.** (F. D. C. No. 1678. Sample No. 72956-D.)

This product was found to contain worm and insect fragments and excessive mold, indicating the presence of decomposed material.

On March 22, 1940, the United States attorney for the District of Massachusetts filed a libel against 299 cases, each containing 100 cans, of tomato paste at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about January 24, 1940, by the Turlock Cooperative Growers from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Firenze Product of California Tomato Paste."

On March 22, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

**638. Adulteration of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction.** (F. D. C. No. 1176. Sample No. 72930-D.)

This product was found to contain worm and insect fragments.

On December 12, 1939, the United States attorney for the District of Arizona filed a libel against 10 cases, each containing 6 cans, of tomato paste at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about November 30, 1939, by the Pacific Pool Car Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Madonna Fancy Pure Tomato Paste \* \* \* Packed by Riverbank Canning Company, Riverbank, Calif."

On April 24, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

**639. Adulteration and misbranding of tomato paste and adulteration of canned tomatoes with sauce. U. S. v. 697 Cases of Tomato Paste (and 2 other seizure actions against tomato products). Consent decrees of condemnation. Products released under bond for segregation and destruction of portions unfit for human consumption.** (F. D. C. Nos. 1353, 1481, 1482, 1515. Sample Nos. 56456-D, 72953-D, 72955-D, 73379-D, 73380-D, 92003-D to 92007-D., incl.)

Samples taken from two of the lots of tomato paste were found to contain worm and insect fragments. Samples taken from the remaining lots of tomato paste and the lot of canned tomatoes were found to contain excessive mold, indicating the presence of decomposition. One lot of tomato paste was short weight.

On January 16, February 13, and February 23, 1940, the United States attorneys for the Eastern and the Southern Districts of New York filed libels against 1,464 cases of tomato paste at Brooklyn, N. Y.; and 496 cases of tomato paste and 48 cases of canned tomatoes at New York, N. Y. It was alleged in the libel filed in the Southern District of New York and in the libel filed on February 23, 1940, in the Eastern District of New York, that the articles covered by the said libels