

Portions of the tomato paste and the peeled tomatoes were alleged to be adulterated in that they consisted in whole or in part of decomposed substances. Portions of the tomato paste were alleged to be adulterated in that they consisted in whole or in part of filthy substances. The remainder of the tomato paste and the tomatoes with puree from trimmings were alleged to be adulterated in that they consisted in whole or in part of a filthy and decomposed substance.

The tomatoes with puree from trimmings were alleged to be misbranded in that the statement "Packed by * * * Zerillo and La Fata Heraldsburg, California" was false and misleading since the product was not packed by Zerillo and La Fata, Heraldsburg, Calif.

On December 18, 1940, pleas of guilty having been entered by the individual defendant for himself and on behalf of the corporation, the court sentenced each defendant to pay a fine of \$10 on each of 18 counts of the information, the total fines amounting to \$360.

1775. Misbranding of canned tomatoes. U. S. v. 349 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 3932. Sample No. 8217-E.)

This product contained added strained residual tomato material from preparation for canning and was not properly labeled to indicate that fact.

On March 7, 1941, the United States attorney for the District of Minnesota filed a libel against 349 cases of canned tomatoes at Bemidji, Minn., alleging that the article had been shipped in interstate commerce on or about September 13, 1940, by the Gas City Canning Co. from Gas City, Ind.; and charging that it was misbranded. The article was labeled in part: (Cans) "Golden Valley Tomatoes."

The article was alleged to be misbranded in that it purported to be canned tomatoes, a food for which a definition and standard of identity had been prescribed by regulation as provided by law, and its label failed to bear the common name of the optional ingredients, "added strained residual tomato material from preparation for canning," present in such food.

On April 10, 1941, the Nash Finch Co., of Bemidji, Minn., claimant, having admitted the allegations of libel, judgment of condemnation was entered and the product was released under bond conditioned that it be relabeled to comply with the law.

1776. Misbranding of canned tomatoes. U. S. v. 500 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3664. Sample No. 55158-E.)

This product was substandard in quality because of low drained weight and excessive peel and was not labeled to indicate that it was substandard.

On January 13, 1941, the United States attorney for the Western District of Washington filed a libel against 500 cases of canned tomatoes at Hoquiam, Wash., alleging that the article had been shipped in interstate commerce on or about October 4, 1940, by Parrott & Co. from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Del Haven Tomatoes."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as prescribed by law but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 11, 1941, Parrott & Co., a corporation, claimant, 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 relabeled in conformity with the law.

1777. Misbranding of canned tomatoes. U. S. v. 62 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3303. Sample No. 26548-E.)

This product was substandard in quality because of low drained weight, and it was not labeled to indicate that it was substandard.

On November 7, 1940, the United States attorney for the District of Oregon filed a libel against 62 cases of canned tomatoes at Portland, Oreg., alleging that the article had been shipped from Seattle, Wash., on or about October 21, 1940; and charging that it was misbranded. The article was