

4432. Adulteration of tomato puree. U. S. v. 260 Unlabeled Cans of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 8435. Sample No. 7102-F.)

On September 25, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 260 5-gallon cans of tomato puree at East St. Louis, Ill., which had been consigned by Perry, Smith & Klein, from Terre Haute, Ind., alleging that the article had been shipped in interstate commerce on or about September 12, 1942, and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4433. Adulteration of tomato puree. U. S. v. 699 Cases of Tomato Puree (and 3 other seizure actions against tomato puree). Default decrees of condemnation and destruction. (F. D. C. Nos. 8571, 8653, 8671, 8883. Sample Nos. 17993-F, 19530-F, 24126-F, 28134-F.)

Between October 15 and November 16, 1942, the United States attorneys for the Southern District of Florida, Southern District of New York, District of Columbia, and District of Massachusetts, filed libels against 699 cases of tomato puree at Tampa, Fla., 196 cases at New York, N. Y., 450 cases at Washington, D. C., and 51 cases at Worcester, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about September 2 to on or about October 19, 1942, by Wm. Laning & Sons Co. from Bridgeton, N. J.; 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: (Can) "Silver Lake Brand Whole Tomato Puree;" "Premier Tomato Puree * * * Francis H. Leggett & Co. Distributors," or "Good Year * * * Tomato Puree * * * Mazo-Lerch Co. Incorporated Distributors Washington D. C."

On November 23, December 24, 1942, January 18 and February 1, 1943, the claimant for the seizure at Tampa, Fla., having withdrawn the claim and answer filed in that proceeding and no claim having been entered in the other cases, judgments of condemnation were entered and the product was ordered destroyed.

4434. Adulteration of tomato puree. U. S. v. 45 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 8846. Sample No. 4382-F.)

On November 10, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 45 cases, each case containing 24 cans, of tomato puree, at Middlesboro, Ky., alleging that the article had been shipped in interstate commerce on or about July 15, 1942, by Crampton Canneries from Celina, Ohio; 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: (Can) "Sun-Blest Tomatoes Puree."

On December 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4435. Adulteration of tomato puree. U. S. v. 24 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. D. C. No. 8843. Sample Nos. 408-F, 414-F.)

On November 14, 1942, the United States attorney for the Northern District of Illinois filed a libel against 24 cases, each case containing 6 No. 10 cans, of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 7, 1942, by Caar Canning Co. from Red Key, Ind.; 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) "Two Cities Tomato Puree * * * Packed for John Sexton & Co. Distributors Chicago-Brooklyn."

On December 21, 1942, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

4436. Adulteration of tomato puree. U. S. v. 154 Cases and 140 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 8647, 8685. Sample Nos. 4445-F, 32701-F.)

On October 26 and 31, 1942, the United States attorney for the Western District of Kentucky filed libels against 154 cases, each containing 48 cans, and 140 cases, each containing 6 No. 10 cans, of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about September 3 and 28, 1942, by Kenneth N. Rider Co., Inc., from Trafalgar, Ind.; 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) "Red Gold Brand Indiana Tomato Puree."

On December 17, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4437. Adulteration of tomato puree. U. S. v. 225 Cans of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8650. Sample No. 17571-F.)

A portion of this product was fermenting and decomposed.

On October 28, 1942, the United States attorney for the Southern District of New York filed a libel against 225 unlabeled cans, each can containing 5 gallons, of tomato puree at Mamaroneck, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1942, by the Farmingdale Packing Corporation, from Farmingdale, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 4, 1942, the Pure Food Factory "Hansa," a corporation of Mamaroneck, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion and destruction of that portion which was unfit, under the supervision of the Food and Drug Administration.

4438. Adulteration and misbranding of tomato paste. U. S. v. 596 Cases of Tomato Paste (and 4 other seizure actions against tomato paste). Decrees of condemnation. Portion of product ordered destroyed, remainder ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 6629, 7451, 7560, 7582. Sample Nos. 53662-E, 80194-E, 80195-E, 83907-E, 83943-E, 83944-E, 83946-E.)

Between December 29, 1941, and May 29, 1942, the United States attorneys for the Eastern District of Louisiana, Eastern District of New York, Southern District of Texas, and Northern District of Ohio filed libels against 596 cases of tomato paste at New Orleans, La., 56 cases of tomato paste at Brooklyn, N. Y., 12 cases at Houston, Tex., and 75 cases at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 12 and 17, 1941, in part from Buena Park, Calif., into the States of Louisiana, New York, and Ohio, and in part on or about March 31, 1942, from New Orleans, La., into the State of Texas by Uddo Taormina Corporation; and charging that all lots were adulterated and that 1 lot was also misbranded. The article was labeled in part: "Giardiniera * * * Fancy California Tomato Paste * * * Packed for La Sierra Heights Canning Co., Inc., Buena Park, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. One lot was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and did not conform to such definition and standard since it contained less than 24 percent of salt-free tomato solids.

On June 8, 1942, the Uddo Taormina Corporation, claimant for the 596 cases seized at New Orleans, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed. On July 17, August 14, and December 5, 1942, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

4439. Adulteration of tomato catsup. U. S. v. 49 Cans of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 8439. Sample Nos. 6025-F, 6029-F.)

On September 28, 1942, the United States attorney for the Western District of Tennessee filed a libel against 49 cans of tomato catsup at Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about May 26 to on or about June 12, 1942, by Chef Boy-Ar-Dee Quality Foods, Inc., from Milton, Pa.; 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) "U.S.A. Tomato Catsup."

On October 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.