

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.