

**5236. Adulteration of tomato juice. U. S. v. Harry C. Gilbert. Plea of guilty. Fine, \$200. (F. D. C. No. 7261. Sample No. 90283-F.)**

This product contained mold, indicating the presence of decomposed material.

On June 22, 1942, the United States attorney for the Western District of New York filed an information against Harry C. Gilbert, president on the date of the shipment herein referred to, of Gilbert Foods Corporation, Webster, N. Y., alleging shipment on or about December 8, 1941, from the State of New York into the State of Massachusetts of a quantity of tomato juice that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sweet Life Tomato Juice \* \* \* Distributed By Sweet Life Food Corp. Brooklyn, N. Y."

On November 16, 1943, the defendant entered a plea of guilty, and on February 7, 1944, the court imposed a fine of \$200.

**5237. Adulteration of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 9830. Sample No. 38623-F.)**

Examination showed this product to be undergoing chemical decomposition.

On April 19, 1943, the United States attorney for the Western District of New York filed a libel against 10 cases, each containing 24 cans, of tomato paste at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about October 12, 1942, by R. Gerber & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Liberty Bell Brand \* \* \* Concentrated Tomato Paste."

On May 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5238. Adulteration of tomato puree. U. S. v. Perry Canning Company. Plea of guilty. Fine, \$600. (F. D. C. No. 7695. Sample Nos. 65990-E, 65997-E, 65999-E.)**

This product contained mold, indicating the presence of decomposed material.

On March 27, 1943, the grand jurors of the United States in and for the District of Utah returned an indictment against the Perry Canning Company, a corporation, at Perry, Utah, charging shipment on or about September 27 and December 6, 1941, from the State of Utah into the State of Colorado of a quantity of tomato puree that was adulterated in that it consisted in whole or in part of a decomposed substance. Portions of the article were labeled in part: "Dreher's Tomato Puree \* \* \* Packed For The Dreher Pickle Co. Denver, Colorado" or "Gateway Brand Tomato Puree. \* \* \* The Perry Canning Co." The remainder of the article was unlabeled.

On April 28, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 on each of the 3 counts, a total of \$600.

**5239. Adulteration of tomato puree. U. S. v. 187 Cases of Tomato Puree (175 cases reshipped and relabeled). Default decree of condemnation. Portion of product ordered destroyed. Remainder ordered destroyed or fed to animals. (F. D. C. Nos. 9893, 9925. Sample No. 15794-F.)**

Examination of this product showed that it contained mold, indicating the presence of decomposed material.

On May 12, 1943, the United States attorney for the District of Idaho filed a libel against 187 cases of tomato puree at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about January 22, 1943, by Zion's Wholesale Grocery from Ogden, Utah. On May 20, 1943, 175 cases having been reshipped to Ogden, Utah, the United States attorney for the District of Utah filed a libel against the product so reshipped, alleging shipment on or about April 16, 1943, by Zion's Wholesale Grocery from Pocatello, Idaho. The article was labeled in part: "Smith Brand Tomato Puree \* \* \* Packed By Smith Canning Co. Clearfield, Utah."

Both libels charged adulteration in that the article consisted in whole or in part of a filthy and decomposed substance.

On April 16 and June 30, 1943, no claimant having appeared for the product, judgments of condemnation were entered and portion remaining at Pocatello, Idaho, was ordered destroyed and the portion located at Ogden, Utah, was ordered fed to animals, under the supervision of the United States marshal, or destroyed.