

**LABEL, IN PART:** (Cartons) "Tomatoes 10 Lbs. Net"; (boxes) "Blue Goose Texas Tomatoes \* \* \* Net Weight 30 Lbs.," or "Our Very Best Grade Tomatoes Net Weight When Packed 30 Lbs."

**VIOLATION CHARGED:** Misbranding, Section 403 (e) (2), the product was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents, since the cartons and boxes contained less than the declared weight.

**DISPOSITION:** June 2, 1945. The defendant, Krause, having entered a plea of nolo contendere, the court imposed a fine of \$50 on each of the 5 counts, a total fine of \$250.

**8058. Adulteration of tomato puree. U. S. v. Butterfield Canning Co. Plea of guilty. Fine, \$200.** (F. D. C. No. 12577. Sample Nos. 4157-F, 67348-F.)

**INFORMATION FILED:** October 24, 1944, Southern District of Indiana, against the Butterfield Canning Co., a corporation, Muncie, Ind.

**ALLEGED SHIPMENT:** On or about November 3 and 8, 1943, from the State of Indiana into the States of Ohio and Kentucky.

**LABEL, IN PART:** "Butterfield Brand [or "Indiano Brand"] Tomato Puree."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of excessive mold, rot fragments, and vinegar fly eggs.

**DISPOSITION:** December 2, 1944. A plea of guilty having been entered on behalf of the defendant, a fine of \$200 was imposed.

**8059. Adulteration of tomato puree. U. S. v. Zion's Cooperative Mercantile Institution (Zion's Wholesale Grocery). Plea of guilty. Fine, \$25.** (F. D. C. No. 12619. Sample No. 15794-F.)

**INFORMATION FILED:** November 22, 1944, District of Utah, against Zion's Cooperative Mercantile Institution, a corporation trading as Zion's Wholesale Grocery, Ogden, Utah.

**ALLEGED SHIPMENT:** On or about January 22, 1943, from the State of Utah into the State of Idaho.

**LABEL, IN PART:** "Smith Brand Tomato Puree \* \* \* Packed by Smith Canning Co. Clearfield, Utah."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 10, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$25 was imposed.

**8060. Adulteration of tomato sauce. U. S. v. Rosario Raspanti. Plea of guilty. Fine, \$100.** (F. D. C. No. 10642. Sample Nos. 9954-F, 9959-F, 10282-F.)

**INDICTMENT RETURNED:** May 3, 1944, Southern District of Mississippi, against Rosario Raspanti, trading as the Uddo & Taormina Co., Crystal Springs, Miss.

**ALLEGED SHIPMENT:** Between the approximate dates of February 24 and July 20, 1942, from the State of Mississippi into the State of Louisiana.

**LABEL, IN PART:** "Baby Brand Tomato Sauce Distributed By Uddo & Taormina Company Crystal Springs, Miss."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, i. e., moldy and decomposed tomato tissues.

**DISPOSITION:** August 25, 1944. A plea of guilty having been entered, the defendant was fined \$100.

**8061. Adulteration of tomato soup. U. S. v. 432 Cases and 50 Cases of Tomato Soup. Decrees of condemnation and destruction.** (F. D. C. Nos. 9506, 10073. Sample Nos. 29059-F, 28960-F.)

**LABEL FILED:** March 9 and June 9, 1943, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about January 18 and February 3, 1943, by the Phillips Sales Co., Inc., from Cambridge, Md.

**PRODUCT:** 432 cases and 50 cases, each containing 48 10½-ounce cans, of tomato soup, at Atlanta, Ga.

**LABEL, IN PART:** "Phillips Delicious \* \* \* Tomato Soup."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance as evidenced by the presence of mold.