

**PRODUCT:** 726 cases, each containing 24 10-ounce packages, of frozen asparagus at Baltimore, Md.

**LABEL, IN PART:** "Net Weight 10 Oz. Avoir. Carpel's Quick Frosted Asparagus \* \* \* Packed For Carpel Frosted Foods, Inc. Washington, D. C."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container was so filled as to be misleading since the packages were not filled to capacity, as an additional two ounces of asparagus could be placed in each package.

**DISPOSITION:** November 18, 1946. Carpel Frosted Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for repacking under the supervision of the Food and Drug Administration.

**11675. Adulteration of frozen cauliflower. U. S. v. 2,063 Cartons \* \* \* (F. D. C. No. 21177. Sample Nos. 44492-H, 44494-H.)**

**LABEL FILED:** October 9, 1946, Southern District of California.

**ALLEGED SHIPMENT:** On or about November 6, 1945, by Midfield Packers, from Olympia, Wash.

**PRODUCT:** 2,063 20-pound cartons of frozen cauliflower at Los Angeles, Calif. Examination showed that the article was sour.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11676. Adulteration of frozen peas. U. S. v. 400 Boxes \* \* \* (F. D. C. No. 20779. Sample No. 3968-H.)**

**LABEL FILED:** On or about September 9, 1946, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 8, 1946, by John S. Isaacs & Sons, from Ellendale, Del.

**PRODUCT:** 400 50-pound boxes of frozen peas at Haddonfield, N. J.

**LABEL, IN PART:** "Early June Peas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 11, 1946. No claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

#### TOMATOES AND TOMATO PRODUCTS\*

**11677. Adulteration of tomato paste. U. S. v. Parodi, Erminio & Co., Inc., and Russell Simi. Pleas of nolo contendere. Fine of \$50 against the individual defendant; case against corporate defendant dismissed upon payment of fine imposed upon the individual defendant. (F. D. C. No. 20937. Sample Nos. 46041-H, 46042-H.)**

**INFORMATION FILED:** October 10, 1946, Northern District of California, against Parodi, Erminio & Co., Inc., San Francisco, Calif., and Russell Simi, vice president.

**ALLEGED SHIPMENT:** On or about December 18, 1945, from the State of California into the State of Nevada.

**LABEL, IN PART:** "6 In 1 Brand Tomato Paste \* \* \* Packed By Escalon Packers Inc. Escalon Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** October 11, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of \$25 on each count against the individual defendant, a total fine of \$50. The case against the corporate defendant was ordered dismissed upon payment of the fine imposed upon the individual defendant.

**11678. Misbranding of tomato paste. U. S. v. 197 Cartons \* \* \* (F. D. C. No. 21212. Sample No. 70618-H.)**

\*See also No. 11510.

**LIBEL FILED:** September 30, 1946, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 10, 1946, by Empire Freight, for the Tosi Trading Co., from Los Angeles, Calif.

**PRODUCT:** 197 cartons, each containing 6 6-pound, 12-ounce cans, of tomato paste at Boston, Mass. The product contained less than 25 percent of salt-free tomato solids.

**LABEL, IN PART:** "Campania Brand Tomato Paste \* \* \* Packed in California by West Coast Packing Corp. Long Beach, California."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for tomato paste since the definition and standard specifies that tomato paste shall contain not less than 25.00 percent of salt-free tomato solids.

**DISPOSITION:** November 1, 1946. The Tosi Trading Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**11679. Adulteration of tomato puree. U. S. v. Joseph Bertman (Bertman Pickle Co.). Plea of guilty. Fine, \$400 and costs. (F. D. C. No. 20971. Sample Nos. 13343-H, 34930-H, 39439-H, 52648-H to 52650-H, incl.)**

**INFORMATION FILED:** November 12, 1946, Northern District of Ohio, against Joseph Bertman, trading as the Bertman Pickle Co., Cleveland, Ohio.

**ALLEGED SHIPMENT:** Between the approximate dates of February 20 and March 8, 1946, from the State of Ohio into the State of Illinois.

**LABEL, IN PART:** (Can) "Tomato Puree Packed by Lutz Canning Company, Defiance, Ohio," "Tomato Puree Distributed by Walter English, Columbus, Ohio," or "Tomato Puree Packed by Pleasant Hill Canning Company, Pleasant Hill, Ohio."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 28, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of \$400, plus costs.

**11680. Adulteration of tomato puree. U. S. v. 1,421 Cases \* \* \*. (F. D. C. No. 21178. Sample No. 49866-H.)**

**LIBEL FILED:** October 25, 1946, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about June 24, 1946, by the Mission Food Products Co., from Mission, Tex.

**PRODUCT:** 1,421 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at St. Martinville, La.

**LABEL, IN PART:** "Valley Rose Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 27, 1947. The Mission Food Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Federal Security Agency.

**11681. Adulteration of tomato puree. U. S. v. 180 Cases \* \* \*. (F. D. C. No. 20800. Sample No. 1932-H.)**

**LIBEL FILED:** On or about September 12, 1946, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about June 17, 1946, by the Mission Food Products Co., from Mission, Tex.

**PRODUCT:** 180 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Atlanta, Ga.

**LABEL, IN PART:** "Kenmore Tomato Puree \* \* \* Packed for John Sexton & Co. Distributors Chicago-Brooklyn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of maggots, fly eggs, and decomposed tomato material.