

DISPOSITION: February 13, 1947. The Hinton Food Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

11974. Adulteration and misbranding of tomato puree. U. S. v. James P. Spoto (Northwestern Canning & Packing Co.). Plea of guilty. Fine, \$500 on count 1; jail sentence of 1 year on remaining counts suspended, and defendant placed on probation for 5 years. (F. D. C. No. 22064. Sample Nos. 1288-H, 1289-H, 54558-H.)

INFORMATION FILED: May 8, 1947, against James P. Spoto, trading as the Northwestern Canning & Packing Co., at Seffner, Fla.

ALLEGED SHIPMENT: On or about June 28 and July 5, 1946, from the State of Florida into the States of Alabama and Georgia.

LABEL, IN PART: "Old Glory Brand Tomato Puree."

NATURE OF CHARGE: Adulteration (1 lot only), Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding (all lots), Section 403 (g) (1), the product failed to conform to the regulations prescribing a standard for tomato puree, since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: June 19, 1947. A plea of guilty having been entered, the defendant was fined \$500 on count 1, and was sentenced to 1 year's imprisonment on each of the remaining 3 counts, to run concurrently. The prison sentence was to be suspended upon payment of the fine. The fine was paid, and the defendant was placed on probation for a period of 5 years.

11975. Adulteration of tomato puree. U. S. v. 120 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 21690, 22224, 22245, 22248, 22413. Sample Nos. 43124-H, 54745-H to 54747-H, incl., 64828-H, 70556-H.)

LIBELS FILED: Between the approximate dates of November 14, 1946, and February 7, 1947, Western District of Virginia, Eastern District of New York, Southern District of Georgia, and Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of August 23 and November 1, 1946, by the D. E. Foote & Co., Inc., from Baltimore, Md.

PRODUCT: 1,446 cases of tomato puree at Pulaski, Va., Maspeth, N. Y., Savannah, Ga., and Culver City, Calif. Some of the cases contained 6 6-pound, 9-ounce cans, and other cases contained 24 1-pound, 4-ounce cans, or 1-pound, 3-ounce cans.

LABEL, IN PART: "Family Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), all lots consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material, and the California lot consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: January 8, March 18, and April 4 and 17, 1947. Default decrees of condemnation and destruction.

11976. Adulteration and misbranding of tomato sauce. U. S. v. 42 Cases * * * (F. D. C. No. 21668. Sample No. 57228-H.)

LIBEL FILED: November 21, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 11, 1946, by Grossi Brothers, from Chicago, Ill.

PRODUCT: 42 cases, each containing 48 10-ounce cans, of tomato sauce at Chicopee, Mass. The article was a slightly concentrated tomato product, with added salt but no added color.

LABEL, IN PART: "Baby Brand Tomato Sauce Made from Whole Tomatoes Distributed by Uddo & Taormina Co. New Orleans, La. Crystal Springs, Miss." Some of the cans bore the statement "Color Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an unconcentrated, or slightly concentrated, unspiced, comminuted tomato liquid, with added salt, had been substituted in whole or in part for tomato sauce.