

12979. Adulteration and misbranding of tomato puree. U. S. v. 98 Cases * * *.
(F. D. C. No. 23423. Sample No. 76715-H.)

LIBEL FILED: On or about August 18, 1947, Southern District of Alabama.

ALLEGED SHIPMENT: On or about June 28, 1947, by the Rio Hondo Canning Co., from Rio Hondo, Tex.

PRODUCT: 98 cases, each containing 6 6-pound, 6-ounce cans, of tomato puree at Mobile, Ala.

LABEL, IN PART: "Santa Rosa Brand Tomato Puree Packed By Santa Rosa Canning Co. Santa Rosa, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree. The standard provides that tomato puree contain not less than 8.37 percent of salt-free tomato solids.

DISPOSITION: December 4, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12980. Misbranding of tomato puree. U. S. v. 34 Cases * * *. (F. D. C. No. 24291. Sample No. 8023-K.)

LIBEL FILED: January 2, 1948, District of Connecticut.

ALLEGED SHIPMENT: On or about October 17, 1947, by the Orleans County Canning Co., from Albion, N. Y.

PRODUCT: 34 cases, each containing 6 6-pound, 12-ounce cans, of tomato puree at Danbury, Conn.

LABEL, IN PART: "LeFrois Brand Tomato Puree * * * Packed by J. B. LeFrois & Sons Rochester, N. Y. Contents 6 Lbs. 12 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short-weight.)

DISPOSITION: March 15, 1948. J. B. LeFrois & Sons, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

12981. Adulteration of tomato sauce and tomato puree. U. S. v. 428 Cases of Tomato Sauce (and 6 other seizure actions against tomato sauce and one lot of tomato puree). (F. D. C. Nos. 20593, 20614, 20725, 20846 to 20849, incl. Sample Nos. 23700-H, 49611-H, 49612-H, 49614-H, 49616-H, 49823-H, 65354-H, 65355-H.)

LIBELS FILED: Between the dates of July 29 and September 7, 1946, Eastern and Western Districts of Louisiana and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of June 5 and 14, 1946, by the Montgomery Canning Co., from Mission, Tex.

PRODUCT: Tomato sauce. 428 cases at New Orleans, 149 cases at Shreveport, 361 cases at Monroe, 276 cases at West Monroe, and 96 cases at Minden, La.; and 22 cases at Philadelphia, Pa.

Tomato puree. 13 cases at Philadelphia, Pa.

Each case of tomato sauce contained 72 7 $\frac{3}{4}$ -ounce cans, and each case of tomato puree contained 6 6-pound, 8-ounce cans. Examination of both articles showed that they contained fly eggs and maggots.

LABEL, IN PART: "Montgomery Spanish Style Tomato Sauce," or "Bohannon Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: Between the dates of September 10 and December 13, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered and the lots at Monroe and West Monroe were ordered delivered to public institutions, for use as animal feed. The remaining lots were ordered destroyed.