

DISPOSITION: June 2, 1948. Default decree of condemnation and destruction.

13472. Adulteration of tomato puree and tomato catsup. U. S. v. 400 Cases * * *
(and 24 other seizure actions). (F. D. C. Nos. 21970, 21971, 22170, 22191, 22194, 22210, 22216, 22217, 22237, 22240, 22241, 22313 to 22315, incl., 22415, 22424, 22438, 22458 to 22461, incl., 22479, 22495, 22520, 22653. Sample Nos. 2096-H, 2097-H, 38292-H, 57259-H, 57262-H, 57263-H, 57265-H, 59999-H, 60000-H, 60948-H, 60950-H, 60955-H, 61301-H, 61303-H, 61305-H, 61306-H, 64902-H, 64903-H, 66011-H, 66012-H, 66027-H, 67473-H, 90513-H, 90752-H.)

LIBELS FILED: Between December 12, 1946, and February 26, 1947, Eastern and Western Districts of Pennsylvania, District of Connecticut, District of Massachusetts, District of Columbia, District of Maryland, Northern and Southern Districts of Ohio, District of Kansas, and Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of October 30 and December 20, 1946, by the Sardik Food Products Corp., from Lockport and New York, N. Y., and Shirley, Ind.

PRODUCT: Tomato puree. 1,217 cases at Philadelphia, 1,339 cases at Pittsburgh, 1,347 cases at McKeesport, 398 cases at McKees Rocks, and 231 cases at Sharon, Pa.; 496 cases at Hartford, Conn.; 638 cases at Worcester, 409 cases at Springfield, and 147 cases at Holyoke, Mass.; 1,961 cases at Washington, D. C.; 303 cases at Baltimore, Md.; 1,496 cases at Kansas City, Kans.; and 470 cases at Youngstown, and 129 cases at Steubenville, Ohio. Each case contained 6 6-pound, 9-ounce cans.

Tomato catsup. 1,045 cases at Chicago, Ill. Each case contained 6 7-pound cans.

LABEL, IN PART: "Sardik Tomato Puree," "Pomco Brand Tomato Puree," "Tux Brand Fancy Tomato Puree * * * Distributed by George B. Vrooman, Inc., Philadelphia, Penna.," "Elizabeth Park Brand Fancy Tomato Puree * * * Distributed by Arthur S. Vogel, Hartford, Conn.," "Herald Brand Fancy Tomato Puree * * * Distributors Githens, Rexsamer & Company, Philadelphia, Pa.," or "Savoy Tomato Catsup."

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

DISPOSITION: Between February 11 and July 11, 1947. The Sardik Food Products Corp., claimant for the 200-case and the 796-case lots at Washington, D. C., the 994-case lot at Pittsburgh, Pa., the McKees Rocks and the McKeesport lots, and the Chicago lot, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. Of these lots, 3,454 cases of tomato puree and 1,056 cases of tomato catsup were seized; 2,598 cases and 3 cans of the tomato puree and 423 cases of the tomato catsup were destroyed. No claimant having appeared for the remaining lots, judgments of condemnation were entered. The Hartford, Conn., and the Baltimore, Md., lots were ordered delivered to institutions, for use as animal feed, and the other lots were ordered destroyed.

13473. Adulteration of tomato puree. U. S. v. 46 Cases * * * (F. D. C. No. 24435. Sample No. 20872-K.)

LIBEL FILED: On or about February 14, 1948, Western District of Missouri.

ALLEGED SHIPMENT: On or about November 14, 1947, by the Colo Flavor Products Co., Inc., from Palisade, Colo.

PRODUCT: 46 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at St. Joseph, Mo.

LABEL, IN PART: "Colo-Flavor Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 29, 1948. Default decree of destruction.