

20938. Misbranding of tomato paste. U. S. v. 214 Cases \* \* \*. (F. D. C. No. 35933. Sample No. 8595-L.)

LIBEL FILED: October 27, 1953, Northern District of New York.

ALLEGED SHIPMENT: On or about July 18, 1953, by the Taormina Co., from Donna, Tex.

PRODUCT: 214 cases, each containing 100 cans, of tomato paste at Syracuse, N. Y.

LABEL, IN PART: (Can) "Tomato Paste Salsadipomidoro \* \* \* Polly Brand Contents Six Ounces."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato paste since it contained less than 25 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: December 10, 1953. Default decree of condemnation and destruction.

20939. Misbranding of tomato puree. U. S. v. 546 Cases \* \* \*. (F. D. C. No. 35253. Sample No. 27606-L.)

LIBEL FILED: May 19, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about April 10, 1953, by the A. M. Beebe Co., from San Francisco, Calif.

PRODUCT: 546 cases, each containing 24 cans, of tomato puree at New York, N. Y.

LABEL, IN PART: (Can) "Au Gourmet Contents 6 Lbs. 10 Oz. Fancy Extra Heavy Tomato Puree 1.07 Specific Gravity."

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

DISPOSITION: July 14, 1953. Martinez Food Cannery, Ltd., Martinez, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

## NUTS AND NUT PRODUCTS

20940. Adulteration of shelled peanuts. U. S. v. 197 Bags \* \* \*. (F. D. C. No. 35527. Sample No. 43494-L.)

LIBEL FILED: October 6, 1953, Northern District of California.

ALLEGED SHIPMENT: On or about March 25, 1953, from Suffolk, Va.

PRODUCT: 197 100-pound bags of shelled peanuts at San Francisco, Calif.

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 insects, insect webbing, and insect excreta. The article was adulterated while held for sale after shipment in interstate commerce.