On April 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

623. Adulteration of tomato catsup. U. S. v. 42 Cases of Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1993. Sample No. 6094–E.)

This product contained fragments of insect larvae and other filth resulting from insect infestation.

On June 4, 1940, the United States attorney for the District of Wyoming filed a libel against 42 cases of catsup at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about April 20, 1940, by Woods Cross Canning Co. from Clearfield, Utah; and charging that it was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it consisted wholly or in part of a filthy substance. The article was labeled in part: "Clearfield Brand Catsup."

On June 28, 1940, no claimant having appeared, judgment was entered finding the product adulterated in that it was composed in whole or in part of a filthy substance, namely, worm and insect fragments; and the product was ordered condemned and destroyed.

624. Adulteration of tomato catsup. U. S. v. 40 Cases of Catsup (and 2 other seizure actions against tomato catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 1535, 1680, 1686. Sample Nos. 92328–D, 92378–D, 12403–E.)

One shipment of this product was found to contain excessive mold, one contained worm and insect fragments, and in another shipment both conditions were found.

On or about February 27, March 23, and March 28, 1940, the United States attorney for the Eastern District of Louisiana, Eastern District of Virginia, and Southern District of Texas filed libels against 40 cases of tomato catsup at New Orleans, La.; 197 cases at Norfolk, Va.; and 23 cases of the same product at Houston, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about January 15 to on or about March 2, 1940, from Oakland, Calif., in part by the Stockton Food Products, Inc., and in part by the Howard Terminal; and charging that it was adulterated. The article was labeled in part: "Real-Red Brand Tomato Catsup Made in Part from Residual Tomato Material from Canning. Stockton Food Products Inc., Stockton, Calif."

The libels alleged adulteration with respect to one shipment in that it consisted in whole or in part of a decomposed substance: with respect to a second shipment in that it consisted in whole or in part of a filthy substance; and with respect to the third shipment in that it consisted in whole or in part of a filthy and decomposed substance.

On April 12, 22, and 30, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

625. Adulteration and misbranding of tomato catsup. U. S. v. 16 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1760. Sample No. 6021–E.)

This product contained excessive mold. The cans failed to bear an accurate statement of the quantity of the contents since they were labeled "1 lb. 14 oz."; whereas they contained about 7 pounds and 2 ounces.

On or about April 16, 1940, the United States attorney for the District of Montana filed a libel against 16 cases of canned tomato catsup at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about October 2, 1939, by H. D. Olson from Perry, Utah; and charging that it was adulterated and misbranded. It was labeled in part: "Gateway Brand * * * Tomato Catsup * * * Perry Canning Co. Perry, Utah."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food.

It was alleged to be misbranded in that the statement on the label, "Net Weight 1 lb. 14 oz.," was false and misleading since the statement was incorrect; and in that the article was in package form and did not bear an accurate statement of the quantity of contents.

On May 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.