

**630. Adulteration of tomato catsup and adulteration and misbranding of tomato sauce. U. S. v. 396 Cases of Tomato Catsup and 199 Cases of Tomato Sauce. Default decrees of condemnation and destruction. (F. D. C. Nos. 1683, 1790. Sample Nos. 72963-D, 12409-E.)**

Both products contained excessive mold, indicating the presence of decomposed material; in addition, the tomato catsup contained worm and insect fragments and a portion of the tomato sauce was short weight.

On or about April 2 and 10, 1940, the United States attorneys for the Southern District of Georgia and the District of Maryland filed libels against 396 cases of tomato catsup at Savannah, Ga., and 199 cases of tomato sauce at Baltimore, Md., alleging that the articles had been shipped in interstate commerce on or about March 5, 1940, by the Howard Terminal from Oakland, Calif.; and charging that they were adulterated and that one lot of the tomato sauce was misbranded. The articles were labeled in part variously: "MS C \* \* \* Tomato Catsup \* \* \* Packed for Recorg Supply Corporation Chicago, Illinois"; "Royal Clover Brand \* \* \* Tomato Sauce Contents 8 oz. Avoir \* \* \* Distributed by B. H. Rudo & Brother, Baltimore, Md."; "Royal Clover Brand \* \* \* Tomato Sauce Contents 7 $\frac{3}{4}$  oz Avoir \* \* \* Distributed by Royal Clover Distributing Co. Baltimore, Md."

Adulteration was alleged with respect to the tomato catsup in that it consisted in whole or in part of a filthy and decomposed substance; and with respect to the tomato sauce in that it consisted in whole or in part of a decomposed substance.

One lot of the tomato sauce was alleged to be misbranded in that the statement "Contents 8 oz. Avoir" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On April 22 and May 3, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**631. Adulteration of canned tomato paste. U. S. v. 15, 29, 54, and 100 Cases of Tomato Paste. Decrees of condemnation. Portions of product ordered released under bond. Remainder ordered destroyed. (F. D. C. Nos. 1209, 1231. Sample Nos. 72923-D to 72926-D, incl.)**

Samples of this product were found to contain excessive mold.

On December 18 and 22, 1939, the United States attorneys for the Southern District of Iowa and the District of Minnesota filed libels against 98 cases of tomato paste at Des Moines, Iowa, and 100 cases of tomato paste at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about December 1 and 5, 1939, by the Consolidated Freight Forwarding Co. (pool shipments) from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. A portion of the article was labeled in part: (Cans) "Delsa Brand \* \* \* Tomato Paste \* \* \* Packed in California by Flotill Products, Inc., Stockton, Calif." The remainder was labeled in part: (Cans) "Madonna Fancy Pure Tomato Paste \* \* \* Packed by Riverbank Canning Company, Riverbank California."

On February 9, 1940, Flotill Products, Inc., Stockton, Calif., claimant for the lot seized in the Southern District of Iowa, namely, the Delsa brand, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be segregated according to codes and reexamined under the supervision of the Food and Drug Administration, and that no portion thereof should be sold or disposed of contrary to law. On February 10, 1940, no claim having been entered for the lot seized at St. Paul, Minn., i. e., the Madonna brand, judgment was entered ordering that it be destroyed.

**632. Adulteration of tomato paste. U. S. v. 25 Cases and 40 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. Nos. 1222, 1455. Sample Nos. 72934-D, 73598-D.)**

Samples of these products were found to contain excessive mold.

On December 22, 1939, and February 8, 1940, the United States attorneys for the Northern District of Ohio and the District of Maryland filed libels against 25 cases of tomato paste at Mansfield, Ohio, and 40 cases of tomato paste at Baltimore, Md. On February 14, 1940, the libel filed in the Northern District of Ohio was amended. It was alleged in the libels that the article had been shipped in interstate commerce on or about November 30, 1939, and January 9, 1940, by Flotill Products, Inc., from Oakland and Stockton, Calif.; and that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Flotta Brand Pure

Tomato Paste \* \* \* Packed by Flotill Products Inc., Stockton Calif."; or "Insegna Brand Pure Tomato Paste \* \* \* Packed for A. M. Beebe Company San Francisco."

On March 6 and 15, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**633. Adulteration of canned tomato paste. U. S. v. 51 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1889. Sample No. 12961-E.)**

This product contained excessive mold.

On April 27, 1940, the United States attorney for the District of Hawaii filed a libel against 51 cases of canned tomato paste at Honolulu, T. H., alleging that the article had been shipped in interstate commerce on or about March 25, 1940, by Theo. H. Davies & Co., Ltd., from San Francisco, Calif.; and charging that it was adulterated in that it contained mold and was in whole or in part filthy, putrid, and decomposed and otherwise unfit for food. The article was labeled in part: (Cans) "Flotta Brand Pure Tomato Paste \* \* \* Packed by Flotill Products Inc. Stockton, Calif."

On May 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**634. Adulteration of canned tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1716. Sample No. 10145-E.)**

This product contained excessive mold.

On March 27, 1940, the United States attorney for the District of New Jersey filed a libel against 10 cases of canned tomato paste at Fort Lee, N. J., alleging that the article had been shipped in interstate commerce on or about February 20, 1940, by Moosalina Products Corporation from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Moosalina Brand \* \* \* Pure Tomato Paste \* \* \* Packed in California for Moosalina Products Corp."

On May 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**635. Adulteration of tomato paste. U. S. v. 48 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1461. Sample No. 73382-D.)**

This product was found to contain worm and insect fragments and excessive mold, indicating the presence of decomposed material.

On February 9, 1940, the United States attorney for the Southern District of Florida filed a libel against 48 cases, each containing 6 cans, of tomato paste at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about December 27, 1939, by Norman L. Waggoner, Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

The article was labeled in part: "Madonna Fancy Pure Tomato Paste \* \* \* Packed by Riverbank Canning Company, Riverbank, California."

On April 27, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

**636. Adulteration of tomato paste. U. S. v. 679 Cases of Tomato Paste (and 8 other seizure actions involving tomato paste). Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of unfit portions. (F. D. C. Nos. 1187, 1192, 1353, 1354, 1429, 1430, 1458, 1539, 1739. Sample Nos. 56441-D, 56442-D, 72950-D, 72954-D, 85690-D, 85842-D, 85843-D, 85844-D, 86053-D.)**

Samples taken from three lots of this product were found to contain excessive mold, indicating the presence of decomposed material. Those taken from the remaining lots were found to contain fragments of larvae and other filth resulting from insect infestation.

Between December 22, 1939, and April 3, 1940, the United States attorneys for the Northern District of New York, the Eastern District of New York, the Southern District of New York, and the District of New Jersey, filed libels against 1,359 cases of tomato paste at Albany, N. Y., 362 cases at Brooklyn, N. Y., 590 cases at New York, N. Y., and 430 cases of the product at Hoboken, N. J. On February 15, 1940, the libel that was filed in the Eastern District of New York on January 15, 1940, was amended. It was alleged in the libels that the article had been shipped in interstate commerce within the period