had been shipped by Flotill Products, Inc., in the former instance on or about November 9, 1939, from San Francisco, Calif., and in the latter instance on or about January 22, 1940, from Stockton, Calif. The product covered by the libel filed on January 16, 1940, in the Eastern District of New York was shipped by Flotill Products, Inc., on or about November 30, 1939. Portions of the tomato paste were labeled in part: "Flotta Brand Pure Tomato Paste [or "Sublime Flotta Brand"] * * * Packed by Flotill Products, Inc., Stockton Calif." The remainder of the tomato paste was labeled in part: "Gina [or "Moosalina" or "Cobo"] Brand * * * Tomato Paste * * * Packed in California for Moosalina Product Corp. Brooklyn, N. Y." The canned tomatoes were labeled in part: "F. P. I. Brand Choice Peeled Tomatoes with Sauce * * * Packed by Flotill Products Inc., Stockton, Calif."

Certain lots of the tomato paste and the lot of canned tomatoes were alleged to be adulterated in that they consisted wholly or in part of decomposed substances. The remaining lots of the tomato paste were alleged to be adulterated in that they consisted wholly or in part of filthy substances.

Misbranding was alleged with respect to one lot of the Flotta brand tomato paste in that the statement on the label, "Net Weight 7 Lbs.," was false and misleading, and in that the article was in package form and did not bear an accurate statement of the quantity of contents.

On February 28 and March 28, 1940, Flotill Products, Inc., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered, and the products were ordered released under bond conditioned that they be segregated according to code numbers and reexamined and that all portions found to be unfit for human consumption be destroyed.

640. Adulteration of canned tomatoes and tomato paste. U. S. v. 99 Cases of Canned Tomatoes and 74 and 25 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 1591, 1693, 1694. Sample Nos. 56488–D, 92356–D.)

The canned tomatoes contained excessive mold, indicating the presence of decomposition; and the tomato paste contained worm and insect fragments.

On March 8 and 23, 1940, the United States attorneys for the District of Maine and the Eastern District of Virginia filed libels against 99 cases of canned tomatoes at Portland, Maine, and 99 cases of tomato paste at Norfolk, Va., alleging that the articles had been shipped in interstate commerce on or about January 20 and February 8, 1940, by the Howard Terminal from Oakland, Calif.; and charging that they were adulterated. The articles were labeled in part: "F. P. I. Brand Choice Peeled Tomatoes * * * Packed by Flotill Products Inc. Stockton Calif."; or "Firenze * * * Tomato Paste * * * Packed by Turlock Cooperative Growers San Francisco, Calif."

The canned tomatoes were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance. The tomato paste was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On March 26 and April 22, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

641. Adulteration of tomato paste, canned tomatoes, and tomato catsup; and adulteration and misbranding of tomato sauce. U. S. v. 273 Cases of Tomato Paste, 99 Cases of Tomato Sauce, 197 Cases of Canned Tomatoes, and 148 Cases of Tomato Catsup. Decrees of condemnation. Tomato paste released under bond for segregation and destruction of unfit portion. Remaining products ordered destroyed. (F. D. C. Nos. 1162, 1262, 1690, 1767. Sample Nos. 56444–D, 56459–D, 92057–D, 12708–E.)

The tomato sauce, the added packing medium of the canned tomatoes, and a part of the tomato paste contained excessive mold, indicating the presence of decomposed material. The tomato catsup contained excessive mold, and fragments of insect larvae and other filth resulting from insect infestation. The tomato sauce was also short of the declared weight.

On December 15, 1939, and January 3, March 25, and April 5, 1940, the United States attorneys for the Northern and Southern Districts of New York, the District of Rhode Island, and the Eastern District of Pennsylvania filed libels against 273 cases of tomato paste at Albany, N. Y.; 99 cases of tomato sauce at New York, N. Y.; 197 cases of canned tomatoes at Providence, R. I.; and 148 cases of tomato catsup at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce within the period from on or about November 16, 1939, to on or about March 8, 1940, by Port of Stockton from Stockton, Calif.; and charging that they were adulterated and that the tomato sauce was also misbranded. The articles were labeled in part: "Flotta