1470. Misbranding of tomato catsup. U. S. v. 95 Cases of Tomato Catsup. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2426. Sample Nos. 21054–E, 21059–E.)

This product was short weight.

On or about August 2, 1940, the United States attorney for the Southern District of Florida filed a libel against 95 cases of tomato catsup at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about June 20, 1940, by the Harcourt Greene Co. from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "R-Best Brand Tomato Catsup * * * Packed by Stockton Food Products Inc. Stockton California."

It was alleged to be misbranded in that the statement on the label, "Net Contents 7 Lbs. Metric Equivalent 3.17 Kilograms," was false and misleading since it was incorrect. The article was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On August 10, 1940, the Harcourt Greene Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

1471. Adulteration of tomato catsup. U. S. v. 148 and 75 Cases of Tomato Catsup (and 4 other seizure actions against tomato catsup). Judgments of condemnation. Portion of product destroyed. Remainder ordered released under bond for salvaging of containers and destruction of contents. (F. D. C. Nos. 1273, 1422, 1443, 1463, 1780. Sample Nos. 66737–D, 66738–D, 66739–D, 84277–D, 84279–D, 16028–E, 16029–E.)

Between January 11 and April 11, 1940, the United States attorneys for the Western District of Missouri, the District of Kansas, and the Western District of Oklahoma filed libels against 223 cases of tomato catsup at Springfield, Mo.; 928 cases at Coffeyille, Kans.; 127 cases at Wichita, Kans.; and 1,495 cases at Lawton, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about January 21 to on or about December 27, 1939, by the Frazier Packing Corporation from Elwood, Ind.; 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: "Frazier's Tomato Catsup."

On February 8, 1940, no claimant having appeared for the lot seized at Springfield, Mo., judgment of condemnation was entered and the product was ordered destroyed. On March 5 and May 28, 1940, the Frazier Packing Corporation, claimant in the remaining actions, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond for destruction of the catsup and salvaging of the bottles and cases. On June 19, 1940, the decree filed in the Western District of Oklahoma was modified to provide for destruction of the goods, the claimant having failed to execute the bond and having consented to such destruction.

1472. Adulteration of tomato catsup and tomato puree. U. S. v. Smith Canning Co., Inc. Plea of guilty. Fine, $32. (F. D. C. No. 2958. Sample Nos. 16027–E, 16041–E, 16042–E, 16604–E, 16720–E, 16721–E, 18365–E, 66747–D, 67142–D, 90821–D.)

One lot of catsup contained worm and insect fragments, in addition to mold.

On April 28, 1941, the United States attorney for the District of Utah filed an information against the Smith Canning Co., Inc., Clearfield, Utah, alleging shipment within the period from on or about October 31, 1939, to on or about February 19, 1940, from the State of Utah into the States of Oklahoma, Missouri, Idaho, and Kansas, of quantities of tomato catsup and tomato puree that were adulterated.

Portions of the articles were labeled in part variously: "La Vora Brand Catsup [or "Smith Brand Puree" or "Fancy Dinnerette Brand Catsup"] Distributed by Smith Canning Co." One lot of puree was labeled in part: "Lee * * * Tomato Puree Distributors The H. D. Lee Mercantile Co., Kansas City, Mo., Salina, Kas."

One lot of catsup was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The puree and the remainder of the catsup were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On April 28, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $32.

1473. Adulteration of tomato puree and tomato catsup. U. S. v. 13 Cases of Tomato Puree (and 2 seizure actions against tomato catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 3968, 4103, 4253. Sample Nos. 42714–E, 47147–E, 47421–E.)

Between March 15 and April 7, 1941, the United States attorneys for the Northern District of Illinois and the Northern District of Ohio filed libels against 13 cases of tomato puree and 497 cases of tomato catsup at Chicago, Ill., and 208 cases of tomato catsup at Youngstown, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about January 16 to on or about February 28, 1941, by the Morgan Packing Co., from Austin, Ind.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled variously: "Scott County Brand Tomato Puree"; "Kenmore [or "Cream Brand"] Tomato Catsup."

On May 5 and 13, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1474. Adulteration of tomato puree. U. S. v. 74 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 4048. Sample No. 29175–E.)

On March 25, 1941, the United States attorney for the Southern District of Ohio filed a libel against 74 cases of tomato puree at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about September 7, 1940, by the Butterfield Canning Co. from Muncie, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Indiano, Brand Tomato Puree."

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1475. Adulteration of tomato puree. U. S. v. 140 Cases of Tomato Puree, Default decree of condemnation and destruction. (F. D. C. No. 3656. Sample No. 43133–E.)

On or about January 24, 1941, the United States attorney for the Western District of Missouri filed a libel against 140 cases of tomato puree at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 12, 1940, by the Colorado Packing Plant from Canon City, Colo.; 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) "Royal Gorge Brand Tomato Puree."

On March 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1476. Adulteration of tomato puree. U. S. v. 154 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. D. C. No. 3877. Sample No. 47144–E.)

On March 3, 1941, the United States attorney for the Northern District of Illinois filed a libel against 154 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 10, 1941, by Knox Pickle & Preserving Works from Sidney, Ind.; 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) "Blossom * * * Tomato Puree."

On March 11, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1477. Adulteration of tomato puree. U. S. v. 67 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. D. C. No. 3774. Sample No. 30882–E.)

On February 11, 1941, the United States attorney for the Northern District of Illinois filed a libel against 67 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 8, 1941, by the Loudon Packing Co. from Saratoga, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Hillman's Tomato Puree."

On April 3, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.