1483. Adulteration of tomato paste. U. S. v. 5 Cases, 140 Cans, and 16 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 3725, 3726. Sample Nos. 46392–E, 46397–E.)

On or about January 31, 1941, the United States attorney for the District of Connecticut filed libels against 5 cases and 140 cans of tomato paste at Waterbury, Conn., and 16 cases of tomato paste at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about September 26 and October 29, 1940, by the Hartmann Canning Co., Inc., from Macedon, 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: "Scarlati Tomato Paste."

On March 14, 1941, no claimant having appeared, judgments of condemnation and destruction were entered, with provision for delivery of samples of the seized goods to the Food and Drug Administration of the Federal Security Agency.

1484. Adulteration and misbranding of tomato paste. U. S. v. 55 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3608. Sample No. 46065–E.)

This product not only contained excessive mold, but its label bore the design of pear-shaped tomatoes, whereas it was made in whole or in part from the round variety.

On December 30, 1940, the United States attorney for the District of New Jersey filed a libel against 55 cases of tomato paste at West New York, N. J., alleging that the article had been shipped in interstate commerce on or about October 30, 1940, by Lawtons Canning Co., Inc., from Lawtons, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Lucatelli Brand Tomato Paste * * * Distributors Lucatelli Packing Co. West New York, N. J."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The article was alleged to be misbranded in that the design of pear-shaped tomatoes borne on the label was false and misleading.

On April 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1485. Adulteration of tomato paste. U. S. v. 31 Cartons of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3794. Sample Nos. 33008–E, 33011–E.)

On February 10, 1941, the United States attorney for the Southern District of New York filed a libel against 31 cartons of tomato paste at New York, N. Y., alleging that the article had been shipped on or about December 30, 1938, by Luigi Vitelli & Figlio from Naples, Italy; 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) "Elvea Estratto di Pomodoro."

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1486. Adulteration and misbranding of tomato paste. U. S. v. 31 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No 4247. Sample Nos. 22409–E, 22401–E.)

This product contained on an average 21.12 percent of salt-free tomato solids, whereas the regulations require that tomato paste contain not less than 25 percent of such solids. It also was found to contain worm and insect fragments.

On April 8, 1941, the United States attorney for the Southern District of New York filed a libel against 31 cases of tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 21, 1941, by the Hollister Canning Co. from Hollister, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: "San Benito Brand Naples Style Tomato Paste."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

The article was alleged to be misbranded in that it purported to be tomato paste, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard.

On April 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.