

On March 10 and 13, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

1773. Adulteration of tomato paste, tomatoes with puree, and peeled tomatoes with sauce. U. S. v. Flotill Products, Inc. Plea of guilty. Fine, \$1,100. (F. D. C. No. 2129. Samples Nos. 56444-D, 56455-D, 56456-D, 72858-D, 72924-D, 72925-D, 72926-D, 72934-D, 72953-D, 72955-D, 73376-D to 73380-D, incl., 73522-D, 85615-D, 92003-D to 92006-D, incl., 92356-D.)

Most lots of these products contained mold, indicating the presence of decomposed material. The remaining lots contained insect fragments or both mold and insect fragments.

On December 12, 1940, the United States attorney for the Northern District of California filed an information against Flotill Products, Inc., Stockton, Calif., alleging delivery for introduction in interstate commerce within the period from on or about November 4, 1939, to on or about February 8, 1940, from the State of California into the States of New York, Pennsylvania, Nebraska, Ohio, and Maine, of quantities of tomato paste, tomatoes with puree, and peeled tomatoes with sauce that were adulterated. The articles were labeled variously: "Flotta Brand Pure Tomato Paste"; "Guglielmi Brand * * * Packed in U. S. A. For R. C. Williams & Co. New York"; "Royal Scarlet Tomato Paste R. C. Williams & Co. Inc. Distributors"; "Gina [or "Moosalina" or "Coba"] Brand Tomato Paste Packed in California for Moosalina Prod. Corp. Brooklyn, N. Y."; "Delsa Brand * * * Tomato Paste"; "Pastene * * * Plum Tomatoes with Puree * * * Distributed by Pastene & Co., Inc."; "Delia Brand Tomato Paste Packed in California For M. De Rosa, Inc. New York"; and "F. P. I. Brand Choice Peeled Tomatoes with Sauce."

The tomatoes with puree and one lot of the tomato paste were alleged to be adulterated in that they consisted in whole or in part of filthy and decomposed substances. Two lots of the paste were alleged to be adulterated in that they consisted in whole or in part of filthy substances. The remaining lots of paste and the peeled tomatoes in the sauce were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On February 26, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,100.

1774. Adulteration of tomato paste and peeled tomatoes; adulteration and misbranding of tomatoes with puree from trimmings. U. S. v. Riverbank Canning Co. and Lorenzo Zerillo. Pleas of guilty. Total fines, \$360. (F. D. C. No. 2871. Sample Nos. 56441-D, 56478-D, 56479-D, 72856-D, 72944-D, 72950-D, 72954-D, 72962-D, 73382-D, 73658-D, 73659-D, 85690-D, 85842-D, 85843-D, 85844-D, 86053-D, 92039-D, 92040-D, 92377-D, 92422-D.)

A portion of these products contained excessive mold, indicating the presence of decomposed material; portions contained worm and insect fragments and in certain instances both conditions were found. One lot was falsely labeled as to the name and place of business of the packer.

On December 12, 1940, the United States attorney for the Northern District of California filed an information against the Riverbank Canning Co., a corporation, Riverbank, Calif., and Lorenzo Zerillo, alleging shipment within the period from on or about November 13, 1939, to on or about February 13, 1940, from the State of California into the States of New York, Rhode Island, Florida, Maine, and Massachusetts, of quantities of tomato paste and peeled tomatoes which were adulterated and of a quantity of tomatoes with puree from trimmings which was adulterated and misbranded. The tomato paste was labeled in part: "Madonna Brand [or "Fiamma"] Tomato Paste * * * Packed by Riverbank Canning Company"; "Del Bueno Tomato Paste Distributors P. Astarbi & Co. Inc. Brooklyn, N. Y."; "Appetit Brand * * * Distributors J. Ossola Co. Pittsburgh"; "Premium * * * Tomato Paste Francis H. Leggett & Co. Distributors New York, N. Y."; "Campagnola Brand Tomato Paste * * * Packed by Harbor City Canning Co. Los Angeles, California"; "Minervini Brand Tomato Paste * * * Packed by John Minervini Hoboken, N. J."; "Baiadera Brand Tomato Paste * * * Packed in California for G. Cuccia & Sons, Inc. New York"; "Buon Gusto Natural Tomato Paste * * * Sole Distributors Bestaste Products Company Buffalo, N. Y."; the peeled tomatoes were labeled in part: "Zello Brand * * * Packed by Riverbank Canning Company." The tomatoes with puree from trimmings were labeled in part: "Diana Brand * * * Packed and Guaranteed by Zerillo and La Fata Heraldsgurg, California."