It was alleged to be misbranded in that it purported to be tomato catsup, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and its label failed to bear the common names of the optional ingredients present.

On December 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1781. Adulteration of tomato catsup and tomato puree. U. S. v. A Quantity of Tomato Catsup and Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 4064. Sample Nos. 56582–E, 56583–E.)

These products contained excessive mold, indicating the presence of decomposed material.

On March 29, 1941, the United States attorney for the Northern District of New York filed a libel against 46 cases of tomato catsup and 62 cases of tomato puree at Binghamton, N. Y., alleging that the articles had been shipped in interstate commerce on or about January 18, 1941, by the Lake Erie Canning Co. from Sandusky, Ohio; and charging that they were adulterated in that they consisted wholly or in part of a decomposed substance. The articles were labeled in part: (Cans) "Brightwood Brand Tomato Catsup"; or "Senate Brand Tomato Puree."

On May 22, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1782. Adulteration of tomato puree and tomato catsup. U. S. v. 115 Cases of Tomato Puree (and 3 other seizure actions against tomato products.) (F. D. C. Nos. 4035, 4036, 4105, 4237. Sample Nos. 19380–E, 56507–E, 56508–E, 56510–E, 56522–E.)

These products contained excessive mold, indicating the presence of decomposed material.

Between March 22 and April 4, 1941, the United States attorneys for the Western District of Pennsylvania and the Eastern District of New York filed libels against 115 cases of tomato puree at Pittsburgh, Pa., and 162 cases of tomato puree and 554 cases of tomato catsup at Brooklyn, N. Y., alleging that the articles had been shipped within the period from on or about October 4, 1940, to on or about February 11, 1941, by the Lake Erie Canning Co. from Sandusky, Ohio; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled variously: (Cans) "First National Brand Tomato Catsup [or "Puree"] Distributed by First National Pickle Products Brooklyn, N. Y." and "Premier Fancy Extra Heavy Tomato Puree. Francis H. Leggett & Co., Distributors, New York."

On April 26 and 28 and May 13, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1783. Adulteration of tomato paste. U. S. v. 148 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 3620. Sample No. 22034–E.)

A part of this product contained excessive mold, indicating the presence of decomposed material.

On January 6, 1941, the United States attorney for the Southern District of New York filed a libel against 148 cases of tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 27, 1940, by the Capolino Products Co. from Stockton, Calif.; 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) "Product of California * * * Tomato Paste Luigi Vitelli-Elvea Inc., New York, N. Y. Distributors."

On January 31, 1941, Luigi Vitelli-Elvea, Inc., of New York, N. Y., claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the fit portion be separated from the unfit and that the latter be destroyed.

1784. Adulteration and misbranding of tomato puree. U. S. v. 19 Cases of Tomato Puree (and 3 other seizure actions against tomato puree). Default decrees of condemnation and destruction. (F. D. C. Nos. 3135 to 3138, incl. Sample Nos. 35350–E to 35353–E, incl.)

Examination of this product showed that certain lots contained excessive mold, indicating the presence of decomposed material; and that some cans in the remaining lots contained artificial color. All lots were found to contain less