Quality Tomato Catsup"; or "Gateway Brand Tomato Puree * * * 6 lb. 8 Ozs."

On September 27, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50 on the first count and $2 on the second, totaling $52.

2003. Misbranding of tomato catsup. U. S. v. Pleasant Grove Canning Co. Plea of guilty. Fine, $25. (F. D. C. No. 4158. Sample Nos. 6284–E, 6285–E.)

The product involved in this case was found to be short of the declared weight.

On July 15, 1941, the United States attorney for the District of Utah filed an information against Pleasant Grove Canning Co., a corporation, Pleasant Grove, Utah, alleging shipment on or about March 1, 1940, from the State of Utah into the State of Kansas, of a quantity of tomato catsup that was misbranded. It was labeled in part: "Pleasant Grove Brand * * * Tomato Catsup."

The article was alleged to be misbranded in that the statement "14 Ozs. Net Weight," appearing on the bottle label, was false and misleading since each of the bottles did not contain 14 ounces of said article but did contain a smaller amount; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents in terms of weight or measure.

On July 15, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25.

2004. Adulteration of tomato catsup. U. S. v. Seiters, Inc., and Edgar A. Seiter. Tried to the court. Judgment of guilty. Corporation fined $4; Edgar A. Seiter fined $100. (F. D. C. No. 2907. Sample Nos. 13129–E, 13158–E, 13166–E, 13177–E, 26231–E.)

This product contained excessive mold indicating the presence of decomposed material.

On February 21, 1941, the United States attorney for the District of Idaho filed an information against Seiters, Inc., Post Falls, Idaho, and Edgar A. Seiter, alleging shipment within the period from on or about November 8, 1939, to on or about March 3, 1940, from the State of Idaho into the State of Washington, of quantities of tomato catsup which was adulterated. The article was labeled in part variously: "Syringa Brand Tomato Catsup"; "Coeur D'Alene * * * Tomato Catsup"; "Tastewell * * * Tomato Catsup * * * National Retailer-Owned Grocers, Inc. Distributors"; or "Pheasant Tomato Catsup * * * Distributed by Wadhams & Company, Portland, Oregon."

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

On May 29, 1941, the defendants having entered pleas of not guilty, and having waived trial by jury, the case came on for trial before the court. Both defendants were adjudged guilty, and the corporation was fined $1 on each of the four counts of the information and Edgar A. Seiter was fined $25 on each of the same four counts.

2005. Adulteration and misbranding of canned tomatoes with puree from trimmings. U. S. v. 170 Cases and 25 Cases of Canned Tomatoes with Puree from Trimmings. Default decrees of condemnation and destruction. (F. D. C. Nos. 3547, 4198. Sample Nos. 55216–E, 55782–E.)

Examination showed that one lot of this product contained worms and worm and insect fragments. The labels of both lots failed to bear the common name of the optional ingredient, viz, "Added Strained Residual Tomato Material from Preparation for Canning." Furthermore, both lots fell below the standard of quality for canned tomatoes because the drained weight was less than 50 percent of the water required to fill the container.

On or about December 19, 1940, and April 7, 1941, the United States attorneys for the Western District of Washington and the Northern District of California filed libels against 170 cases, each containing 24 cans, of tomatoes with puree from trimmings at Tacoma, Wash., and 25 cases, each containing 24 cans, of the same product at Weed, Calif., alleging that the article had been shipped on or about September 10 and November 30, 1940, by Bagley Canning Co. from Ashland, Oreg.; and charging that a portion was adulterated and that both lots were misbranded. It was labeled in part: "Bagley's Rogue River Valley Tomatoes With Puree From Trimmings Net Contents 1 Lb. 3 Oz."

The portion of the article seized at Weed, Calif., was alleged to be adulterated in that it consisted wholly or in part of a filthy substance.