2033. Adulteration and misbranding of tomato paste. U. S. v. 64 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3487. Sample No. 35618–E.)

This product contained added artificial color; and it failed to comply with the definition and standard of identity for tomato paste.

On December 9, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 64 cases, each containing 100 cans, of tomato paste at New Iberia, La., alleging that the article had been shipped on or about August 11 and 15, 1940, by Uddo Taormina Corporation from Crystal Springs, Miss.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Rosa Brand Net Weight 6 Ozs."

The article was alleged to be adulterated in that inferiority had been concealed by the addition of artificial color; and in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It 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, and it did not conform to such definition and standard in that it contained less than 25 percent of salt-free tomato solids, and artificial color.

On March 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2034. Adulteration and misbranding of tomato puree. U. S. v. 13 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 4751. Sample No. 59304–E.)

This product, in addition to containing decomposed material, was packed in No. 10 cans which normally hold approximately 6½ pounds of tomato puree, but were labeled "Contents 1 Lb. 3 Oz."

On May 12, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 13 cases of tomato puree at Huntington, W. Va., alleging that the article had been shipped on or about January 18, 1941, by Crampton Canneries, Inc., from Celina, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Radio Brand Puree Of Tomatoes."

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

The article was alleged to be misbranded in that the statement "Contents 1 Lb. 3 Oz." was false and misleading since it was incorrect; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On June 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2035. Adulteration of tomato puree. U. S. v. 73 Cases of Tomato Puree. Default decree of destruction. (F. D. C. No. 4944. Sample No. 38950–E.)

On June 16, 1941, the United States attorney for the District of Minnesota filed a libel against 73 cases, each containing 24 cans, of tomato puree at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about May 2, 1941, by Fall Creek Canning Co. from Pendleton, 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) "Indiana Brand Tomato Puree contents 1 lb. 3 oz."

On September 8, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

2036. Adulteration of tomato puree. U. S. v. 47 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 3979. Sample No. 22417–E.)

On March 14, 1941, the United States attorney for the District of Oregon filed a libel against 47 cases, each containing 6 No. 10 cans, of tomato puree at Portland, Oreg., alleging that the article had been shipped on or about March 1, 1941, by Hudson-Duncan & Co., Inc., from Alameda, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: (Cans) "Dundee Brand Tomato Puree."

On May 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.