

3146. Adulteration of tomato paste. U. S. v. 34 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3910. Sample No. 33020-E.)

On March 3, 1941, the United States attorney for the Eastern District of New York filed a libel against 34 cases of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped on or about April 28, 1940, by Soc. Au. Rinaldi from Naples, Italy; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Natural Tomato Paste With Basil Leaf—G. Rinaldi Tomato Star Brand."

On May 21, 1942, Rinaldi Bros. & Co., claimant, having failed to answer the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

3147. Adulteration of tomato paste. U. S. v. 41 Cases of Tomato Paste (and 2 other seizure actions against tomato paste). Default decrees of condemnation and destruction. (F. D. C. Nos. 6631, 6775, 6890. Sample Nos. 53663-E, 74475-E, 74476-E, 84087-E.)

On December 31, 1941, and January 29 and February 19, 1942, the United States attorney for the Eastern District of New York filed libels against 90 cases and 133 cartons of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about October 23, 1941, to on or about January 5, 1942, by Uddo Taormina Corporation from Wilmington and Buena Park, 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) "Flag Brand Tomato Paste"; "Pinocchio Brand Italian Style Tomato Paste with sweet basil Distributed By A. M. S. Packing Company, Brooklyn, N. Y."; or "Progresso Brand * * * Packed For La Sierra Heights Canning Co., Inc. Buena Park, California Tomato Paste with Basil."

On February 6 and March 20 and 24, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3148. Adulteration of tomato sauce. U. S. v. 199 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 6257. Sample No. 23527-E.)

On November 19, 1941, the United States attorney for the Southern District of Texas filed a libel against 199 cases of tomato sauce at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about November 6, 1941, by the Independent Grocers Alliance Distributors, Inc., from San Francisco, Calif.; 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) "Val Vita Brand Spanish Style Tomato Sauce * * * Packed By Val Vita Food Products, Inc. Fullerton California."

On March 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OTHER FRUIT AND VEGETABLE PRODUCTS

3149. Adulteration and misbranding of jams, jellies, and preserves. U. S. v. 75 Cases of Jelly (and 6 other seizure actions against jams, jellies, and preserves). Default decrees of condemnation. Portion of products ordered delivered to charitable institutions; remainder ordered destroyed. (F. D. C. Nos. 4091, 4553, 6232, 6233, 6376, 6757, 6836, 6893. Sample Nos. 29761-E, 43175-E, 46962-E, 46963-E, 51895-E, 87362-E, 87364-E, 89301-E, 89305-E.)

Examination showed that these products failed to meet the requirements for jams, jellies, and preserves set forth in the definition and standard of identity for jams, jellies, and preserves prescribed by regulations as provided by the Food, Drug, and Cosmetic Act.

Between March 29, 1941, and February 21, 1942, the United States attorneys for the Western District of Oklahoma, Eastern District of Kentucky, Southern and Eastern Districts of New York, District of Massachusetts, and the Eastern District of Virginia filed libels against the following products: 75 cases each containing 6 cans of jelly at Oklahoma City, Okla.; 200 cases each containing 6 cans of jam at Fort Thomas, Ky.; 7 cases each containing 24 jars of jelly and 5 cases each containing 24 jars and 4 cases each containing 12 jars of preserves at New York, N. Y., and 10 cases each containing 6 jars of preserves and 23 30-pound pails of jam at Brooklyn, N. Y.; 27 cases each containing 12 jars of preserves at Boston, Mass.; and 35 cases each containing 24 jars of preserves at Norfolk, Va., alleging that the articles had been shipped in interstate commerce

within the period from on or about January 14, 1941, to on or about January 22, 1942, by Fresh Grown Preserve Corporation from Lyndhurst and Kingsland, N. J.; and charging that they were adulterated and misbranded. They were labeled in part: "Nature's Own Pure Crab Apple [or "Raspberry," "Currant," "Grape," "Blackberry," or "Quince"] * * * Net Weight 8 Lbs."; "Nature's Own Pure Jam, Net Weight 8 Lbs."; "Magnetic Brand Pure Grape Jelly Net Wgt 1 Pound Distributed by Magnetic Products New York, N. Y."; "Top Notch Brand Pure Raspberry [or "Blackberry"] Preserve Contents 2 Lbs. [or "6 Ozs"] Sun Distributing Co. Inc. Distributors Bklyn, N. Y."; "Son-Ripe Brand Top-Notch Pure Strawberry Preserves Net Weight 4 Lb."; "Kent Food Bklyn 30 Lbs Net Pure Rasp. Jam"; or "Sonripe Brand Top Notch Pure Raspberry Preserve Contents 6 Ozs. Sun Distributing Co. Inc. Distributors Lyndhurst, N. J."

The articles were alleged to be adulterated: (75 cases of jelly) in that imitation crab-apple, raspberry, currant, grape, blackberry, and quince jelly deficient in fruit juice had been substituted wholly or in part for crab-apple, raspberry, currant, grape, blackberry, and quince jelly as defined in the definition and standard of identity for such foods; (7 cases of jelly) in that an imitation grape jelly deficient in fruit juice and artificially colored had been substituted wholly or in part for grape jelly as defined in the definition and standard of identity for such food; (preserves) in that imitation raspberry, strawberry, and blackberry preserves deficient in fruit had been substituted wholly or in part for raspberry, strawberry, and blackberry preserves as defined in the definition and standard of identity for such foods; (200 cases of jam) in that imitation blackberry, grape, peach, loganberry, apricot, or raspberry jam, deficient in fruit, had been substituted wholly or in part for blackberry, grape, peach, loganberry, apricot, or raspberry jam as defined in the definition and standard of identity for such foods; and (23 pails of jam) in that imitation raspberry jam had been substituted wholly or in part for raspberry jam as defined in the definition and standard of identity for such food.

All lots of the articles were alleged to be misbranded (1) in that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the names of the foods imitated; and (2) in that they purported to be foods for which definitions and standards of identity had been prescribed by regulations as provided by law, and they failed to conform to such definitions and standards.

They were alleged to be misbranded further: (75 cases of jelly) in that the names "Pure Raspberry [or "Crab Apple," "Currant," "Grape," "Blackberry," or "Quince"] Jelly" were false and misleading as applied to articles deficient in fruit juice; (7 cases of jelly) in that the name "Pure Grape Jelly" was false and misleading as applied to an article that was deficient in fruit juice and was artificially colored, and in that it contained artificial coloring and failed to bear labeling stating that fact; (preserves, all lots) in that the names "Pure Raspberry [or "Strawberry" or "Blackberry"] Preserves" were false and misleading as applied to articles that were deficient in fruit; (5 cases only) in that the statement of contents "16 Oz." was not expressed in terms of the largest unit contained in the package; and (jams) in that the names "Pure Blackberry [or "Grape," "Peach," "Loganberry," "Apricot," or "Raspberry"] Jam" were false and misleading as applied to articles of food deficient in fruit.

Between May 28, 1941, and May 28, 1942, no claimant having appeared, judgments of condemnation were entered and the products at Oklahoma City, Fort Thomas, and New York were ordered delivered to charitable institutions; and the remainder was ordered destroyed.

3150. Adulteration and misbranding of jams. U. S. v. 80 Cases and 50 Cases of Assorted Jams. Consent decree of condemnation. Products ordered relabeled under bond for relabeling. (F. D. C. Nos. 6827, 6946. Sample Nos. 85754-E, 85756-E to 85760-E, incl., 85785-E to 85787-E, incl., 85795-E.)

Analysis showed that these products were insufficiently cooked, since the soluble-solids content of the finished jams was less than 68 percent.

On February 13, 1942, the United States attorney for the Western District of Washington filed a libel against 130 cases of fruit jams at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about December 1, 1941, to February 7, 1942, by Oswego Jelly Co. from Portland, Oreg.; and charging that they were adulterated and misbranded. They were labeled in part: "Standby Boysenberry [or "Blackberry," "Raspberry," "Strawberry," or "Blackcap Seedless"] Jam * * * Packed for Fine Foods, Inc., Seattle-Minneapolis."