On March 31, 1942, Sahley Grocery Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released under bond to be relabeled under the supervision of the Food and Drug Administration.

3345. Adulteration of tomato catsup. U. S. v. California Conserving Co., Inc. Plea of nolo contendere. Fine, $300. (F. D. C. No. 2984. Sample Nos. 12547–E, 21042–E, 56469–D.)

Examination of this product showed that it contained worm and insect fragments.

On May 6, 1941, the United States attorney for the Northern District of California filed an information against California Conserving Co., Inc., San Francisco, Calif., alleging shipment in interstate commerce on or about December 8, 1939, and May 1 and 8, 1940, from the State of California into the States of Massachusetts and Texas of quantities of tomato catsup that was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Monitor Brand Tomato Catsup Packed by California Conserving Co., Inc. San Francisco, U. S. A."; or "Red & White Brand Tomato Catsup Red & White Corp'n, Distributors."

On March 10, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $300.

Nos. 3346 to 3354 report the seizure and disposition of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

3346. Adulteration of tomato catsup. U. S. v. 209 Cases and 704 Cases of Tomato Catsup. Consent decrees of condemnation. Product ordered released under bond for salvaging. (F. D. C. Nos. 6880, 6981. Sample Nos. 73799–E, 73800–E.)

On February 17 and March 7, 1942, the United States attorney for the District of Nebraska filed libels against 913 cases, each containing 24 14-ounce bottles, of tomato catsup at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about July 2, 1941, and January 5 and 21, 1942, by Midwest Food Packers, Inc., from Fowlerton, Ind.; 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: (Bottles) "Brimfull Brand Tomato Catsup Distributed by H. A. Marr Grocery Co., Denver, Colorado [or "Kitchen Products Inc. Chicago"]."

On April 11, 1942, Midwest Food Packers, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. The good portion was segregated from the bad and released to the claimant.

3347. Adulteration of tomato catsup. U. S. v. 175 Cases of Tomato Catsup (and 3 additional seizure actions against tomato catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 6239, 6384, 6640, 6651. Sample Nos. 66233–E, 79051–E, 79052–E, 79604–E, 79338–E.)

Between November 21, 1941, and January 5, 1942, the United States attorneys for the Northern District of Illinois, the Northern District of Ohio, and the Eastern District of Kentucky filed libels against 175 cases of tomato catsup at Chicago, Ill., 452 cases at Findley, Ohio, 948 cases at Cleveland, Ohio, and 90 cases at Covington, Ky., alleging that the article had been shipped in interstate commerce within the period from on or about October 14 to on or about December 3, 1941, by the Naas Corporation, or Naas Corporation of Indiana, from Portland and Sunman, Ind.; 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: (Bottles) "Su-Z-Q Favorite Tomato Catsup * * * Distributed by Royal Blue Stores, Inc., Chicago, Ill."; "Mrs. Lane's Tomato Catsup * * * Foodland, Inc., Distributors, Cleveland, Ohio"; "Glendale Brand Tomato Catsup * * * Clover Farm Stores Corporation, Distributors, Cleveland, Ohio"; "Dixie Tomato Catsup, Dixie Wholesale Grocery, Incorporated, Covington, Ky."; or "Daisy Hill * * * Pure Tomato Catsup, Distributed by The Weideman Co., Cleveland."

On February 24 and 26 and March 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.