3568. Adulteration of tomato puree. U. S. v. 1,496 Cans of Tomato Puree. Consent decree of condemnation and destruction with provision for release under bond for segregation of fit from unfit. Product ultimately destroyed. (F. D. C. No. 5804. Sample No. 48902–E.)

Examination of this product showed that it contained viable micro-organisms and that a substantial percentage of the cans were swelled, which is an indication of spoilage.

On or about September 25, 1941, the United States attorney for the Southern District of Georgia filed a libel against 1,496 unlabeled 5-gallon cans of tomato puree at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about August 26, 1941, by Albert W. Sisk & Son from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 25, 1941, the Salem County Canners, Inc., claimant, having admitted that a portion of the article was adulterated as alleged, judgment of condemnation was entered and it was ordered that the product be destroyed, the decree providing, however, that the claimant might take the product down under bond conditioned that the fit and unfit be separated and the unfit destroyed. On April 22, 1942, on representation by the United States attorney that no action had been taken by the claimant, the court ordered that the claimant appear on May 2, 1942, and show cause why its claim should not be dismissed for lack of prosecution. On May 2, 1942, the claimant having presented no reason why its claim should not be dismissed, judgment of destruction was entered.

3569. Adulteration of spaghetti sauce. U. S. v. 13½ Cases and 12 Cases of Spaghetti Sauce. Default decrees of condemnation and destruction. (F. D. C. Nos. 7128, 7353. Sample Nos. 64937–E, 64947–E.)

On March 31 and April 15, 1942, the United States attorney for the Western District of Pennsylvania filed libels against 25½ cases, each full case containing 24 cans, of spaghetti sauce at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about March 5, 1942, by Ragu Packing Co. from Rochester, N. Y.; 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) "Ragu' Brand Contents 10½ Ozs. * * * Italian Style Spaghetti—Sauce."

On May 13 and 19, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3570. Adulteration of canned tomato soup. U. S. v. 119 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 7097. Sample No. 85459–E.)

This product contained worm and insect fragments.

On March 31, 1942, the United States attorney for the District of Oregon filed a libel against 119 cases, each containing 24 cans, of tomato soup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 3, 1942, by the Surety Sales Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Calbart Brand Tomato Soups * * * 1 Lb. 12 Oz. Packed By California Federation of Cooperatives * * * Bell Co-operative Cannery, Bell, California."

On June 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OTHER FRUIT AND VEGETABLE PRODUCTS

3571. Adulteration of apple butter. U. S. v. 77 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 6125. Sample No. 67673–E.)

This product contained rodent hairs and insect fragments.

On or about November 21, 1941, the United States attorney for the Eastern District of Illinois filed a libel against 77 cases of apple butter at Murphysboro, Ill., alleging that the article had been transported in interstate commerce on or about May 7 and September 10, 1941, by the Daniel Grocer Co. from the Salomo Food Products Co. of St. Louis, Mo., to the place of business of the Daniel Grocer Co., Murphysboro, Ill.; and charging that it was adulterated in that it contained rodent hairs and insect fragments; and in that it had been prepared under insanitary conditions whereby it might have become contaminated. The article was labeled in part: (Jars) "Trust Me Brand Pure Apple Butter."