4198. Adulteration of tomato juice. U. S. v. Holley Canning Co. Plea of guilty. Fine, $150. (F. D. C. No. 7270. Sample No. 75794–E.)

On July 13, 1942, the United States attorney for the Western District of New York filed an information against the Holley Canning Co., a corporation, Holley, N. Y., alleging shipment on or about October 22, 1941, from the State of New York into the State of Massachusetts of a quantity of tomato juice that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part "Armour's Star * * * Tomato Juice * * * Armour and Company—Distributors."

On October 20, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $150.

4199. Adulteration of tomato paste. U. S. v. Helen Packing Corporation. Plea of guilty. Fine, $500, $250 of which was suspended. (F. D. C. No. 4184. Sample Nos. 19965–E, 19969–E.)

On September 29, 1941, the United States attorney for the Western District of New York filed an information against the Helen Packing Corporation, North Collins, N. Y., alleging shipment within the period from on or about September 16 to on or about October 2, 1940, from the State of New York into the State of Pennsylvania of quantities of tomato paste which was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Ital-Ama Italian Brand American Tomato Paste."

On October 19, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $250 on each of the two counts of the information but suspended payment of the fine on the second count.

4200. Adulteration of tomato paste. U. S. v. 269 Cases, 89 Cases and 23 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 7557, 7558, 7559. Sample Nos. 95057–E, 95066–E, 95067–E.)

On May 25, 1942, the United States attorney for the Western District of Pennsylvania filed libels against a total of 381 cases, each containing 100 cans, of tomato paste in various amounts at McKeesport and Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 8, 1942, by the G. R. Barth Co. 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) "Firenze * * * Tomato Paste * * * Packed by Turlock Co-Operative Growers San Francisco, Calif."

On August 6, 1942, the Packing Products Co., New York, N. Y., having intervened and petitioned leave to segregate the product into codes and take representative samples from each code, the court granted the intervenor's petition and ordered that the Food and Drug Administration be permitted to take similar samples. On December 19, 1942, no answer having been filed by the intervenor, judgments of condemnation were entered and the product was ordered destroyed.

4201. Adulteration of tomato puree. U. S. v. 1,036 Cases and 1,383 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 6344, 6607. Sample Nos. 73463–E, 73487–E.)

On December 3, 1941, and January 22, 1942, the United States attorney for the Eastern District of Oklahoma filed libels against 2,419 cases, each containing 6 No. 10 unlabeled cans, of tomato puree at Muskogee, Okla., alleging that the article had been shipped in interstate commerce on or about October 1 and November 3, 1941, by J. LeRoy Farmer Canning Co. from West Liberty, Iowa; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. On January 22, 1942, one of the libels which covered 1,036 cases of the product was amended to cover 392 cases only.

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

4202. Adulteration of tomato puree. U. S. v. 1,000 Cans and 405 Cans of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 8295, 8296. Sample Nos. 19303–F, 19305–F.)

This product was undergoing progressive spoilage.

On August 31, 1942, the United States attorney for the District of Maine filed libels against 1,000 5-gallon cans of tomato puree at South West Harbor, Me., and 405 5-gallon cans of tomato puree at Prospect Harbor, Me., alleging that the article had been shipped in interstate commerce on or about July 3 and 6, 1942, by Otto W. Cuyler from Farmingdale, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.