On December 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder on condition that purchaser adopt such safeguards as might be recommended by the Food and Drug Administration against its being disposed of in violation of the law.

4423. Misbranding of canned peas. U. S. v. 73 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 8622. Sample No. 17340-F.)

On October 21, 1942, the United States attorney for the District of New Jersey filed a libel against 73 cases, each containing 24 cans of peas, at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 20, 1942, by D. E. Foote & Co., Inc., from Baltimore, Md.; and charging that it was misbranded since it was below standard. The article was labeled in part: "Foote's Best Early June Peas."

On November 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the labels had been destroyed.

TOMATOES AND TOMATO PRODUCTS

Nos. 4424 to 4439 report legal actions involving tomato products. **Nos. 4424 and 4425, and 4429 to 4439, incl.,** report actions against products made from rotten material as evidenced by mold. A portion of the canned tomatoes involved in **No. 4425** was undergoing progressive spoilage.

4424. Adulteration of canned tomatoes, tomato paste, and hot sauce. U. S. v. Hershel California Fruit Products Co., Inc., and Anthony C. Morici, President. Pleas of guilty. Fine of $225 against the corporation and $150 against the individual defendant. (F. D. C. No. 7696. Sample Nos. 22869-E, 22870-E, 23229-E, 23239-E, 23240-E, 23701-E to 23703-E, incl., 23710-E, 23713-E, 23559-E, 81551-E, 81609-E, 81613-E, 81738-E, 85178-E, 85625-E.)

On November 19, 1942, the United States attorney for the Northern District of California filed an information against Hershel California Fruit Products Co., Inc., San Jose, Calif., and Anthony C. Morici, its president, alleging shipment and the causing to be shipped within the period from on or about September 24 to on or about December 23, 1941, from the State of California into the States of Colorado, Washington, New York, Missouri, Oregon, Louisiana, New Jersey, and West Virginia of quantities of tomato paste, hot sauce, and canned tomatoes that were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Salsina * * * Tomato Paste * * * Pacific Star," "Contadina * * * Tomato Paste," "Pacific Star Tomato Paste [or "Hot Sauce"]," or "Contadina Peeled Tomatoes."

On December 3, 1942, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $225 against the corporation and $150 against its president.

4425. Adulteration and misbranding of canned tomatoes. U. S. v. 1,583 Cases, 1,800 Cases, and 73 Cases of Canned Tomatoes. Decrees of condemnation. One lot ordered released under bond for relabeling; one lot ordered released under bond for segregation and destruction of unfit portion; remaining lot ordered given to a charitable institution. (F. D. C. Nos. 8417, 8605, 8669. Sample Nos. 17104-F, 19806-F, 24267-F.)

One of these lots was in part fermenting and the other lots were in whole or in part substandard because of the presence of excessive peel.

On September 28, October 19, and October 28, 1942, the United States attorneys for the Northern District of New York, District of Massachusetts, and the Southern District of West Virginia filed libels against 1,583 cases at Norwich, N. Y., 1,800 cases at Boston, Mass., and 73 cases at Huntington, W. Va., alleging that the article had been shipped in interstate commerce within the period from on or about July 31 to on or about September 15, 1942, by Albert W. Sisk & Son from Chincoteague, Va., Machipongo, Va., and Trappe, Md.; and charging that a portion was adulterated and that the remainder was misbranded. The article was labeled in part: (Cans) "Pine Cone Brand Tomatoes. Albert W. Sisk and Son Distributors—not Manufacturers," or "Eastern Shore Brand Tomatoes * * * Packed By Eastern Shore Canning Company Machipongo, Virginia."

The lot located at Boston, Mass., was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The lots located at Norwich, N. Y., and Huntington, W. Va., were alleged to be misbranded in that they purported to be and were represented as a food for