

4641. Adulteration of canned pumpkin. U. S. v. 238 Cases and 124 Cases of Canned Pumpkin. Default decree of condemnation and destruction. (F. D. C. Nos. 9742, 9743. Sample Nos. 37944-F, 37945-F.)

On April 3, 1943, the United States attorney for the Northern District of Illinois filed a libel against 362 cases, each containing 24 cans, of pumpkin at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 27 and February 26, 1943, by the Morgan Packing Co. from Austin, 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: (Cans) "Royal Gem Pumpkin * * * Packed By Scottsburg Canning Co. Scottsburg, Indiana," or "Oco Brand Packed By Austin Canning Co., Austin, Ind."

On May 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

4642. Adulteration of tomatoes. U. S. v. 832 Cases of Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8373. Sample No. 4413-F.)

This product was in whole or in part underprocessed and undergoing progressive decomposition.

On September 16, 1942, the United States attorney for the Middle District of Tennessee filed a libel against 832 cases, each case containing 24 cans, of tomatoes at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about July 30, 1942, by the Mason Canning Co. from Pocomoke City, Md.; 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) "Iona Tomatoes * * * Standard Quality Grade C The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

On October 13, 1942, the Mason Canning Co., claimant, having admitted that a portion of the product was decomposed, judgment was entered (amended April 13, 1943) condemning the product and ordering it released under bond for segregation of the fit from the unfit portion and destruction of the latter under the supervision of the Food and Drug Administration.

4643. Adulteration of canned tomatoes. U. S. v. 997 Cases of Canned Tomatoes (and 3 additional seizure actions against canned tomatoes). Consent decree of condemnation. Product ordered released under bond for segregation of fit from unfit. (F. D. C. Nos. 8690 to 8694, incl. Sample Nos. 24257-F to 24259-F, incl.)

This product was in part decomposed.

On November 6, 1942, the United States attorney for the Southern District of West Virginia filed libels against a total of 2,348 cases, each containing 24 cans, of tomatoes at Charleston, W. V., alleging that the article had been shipped in interstate commerce within the period from on or about August 21 to September 1, 1942, by C. G. Reaburn & Co., from Moneta, Va.; 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: (Can) "Davis Mill Brand Tomatoes Hand Packed * * * Dinwiddie Canning Co. Moneta, Virginia."

On January 12, 1943, B. W. Dinwiddie, trading as the Dinwiddie Canning Co., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion under the supervision of the Food and Drug Administration. The unfit portion was destroyed.

4644. Adulteration of canned tomatoes. U. S. v. 159 Cases and 83 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. Nos. 8593, 8630. Sample Nos. 24062-F, 28727-F.)

This product contained maggots.

On October 24 and 29, 1942, the United States attorneys for the Eastern and Middle Districts of North Carolina filed libels against 159 cases, each case containing 24 cans, of tomatoes at Zebulon, and 83 cases at Greensboro, N. C., alleging that the article had been shipped in interstate commerce on or about August 31 and September 1, 1942, by the American Brokerage Co. from Roanoke, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled

in part: (Cans) "Banner Mill Brand Hand Packed Tomatoes Packed By Miss Hester Fringer, Lithia, Va."

On January 13 and February 26, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

Nos. 4645 to 4652 report legal actions involving tomato products made in part from rotten material as evidenced by mold.

4645. Adulteration of tomato catsup. U. S. v. 63 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 8994. Sample No. 7918-F.)

On December 9, 1942, the United States attorney for the District of Minnesota filed a libel against 63 cases, each containing 24 bottles, of tomato catsup at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 14, 1942, by the Columbia Conserve Co. from Indianapolis, 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: (Bottle) "Co-op Tomato Catsup * * * Packed for National Co-Operatives, Inc. Chicago, Illinois."

On January 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4646. Adulteration of tomato puree and tomato catsup. U. S. v. 226 Cases of Tomato Puree (and 3 seizure actions against tomato catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 8920, 9028, 9104, 9420. Sample Nos. 2688-F, 4465-F, 8950-F, 9102-F.)

Between November 24, 1942, and February 24, 1943, the United States attorneys for the Middle District of Tennessee, the Eastern District of Louisiana, the Western District of Missouri, and the Northern District of Texas filed libels against 226 cases of tomato puree at Nashville, Tenn., 115 cases of tomato catsup at New Orleans, La., 131 cases of tomato catsup at North Kansas City, Mo., and 99 cases of tomato catsup at Houston, Tex., alleging that the articles had been shipped in interstate commerce within the period from on or about October 31, 1942, to January 18, 1943, by the Morgan Packing Co. from Austin, Ind.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: (Cans) "Scott Co. Brand Tomato Puree," "American Beauty * * * Tomato Catsup," "Scott Co. Brand * * * Tomato Catsup," or "Royal Gem Brand Tomato Catsup * * * Packed By Scottsburg Canning Co. Scottsburg, Ind."

Between January 14 and March 26, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

4647. Adulteration of tomato juice. U. S. v. 998½ Cases of Canned Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 7127. Sample No. 86646-E.)

On April 1, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 998½ cases, each full case containing 24 cans, of tomato juice at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 25, 1942, by Otto W. Cuyler, from Webster, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Can) "L. D. C. Brand * * * Tomato Juice Packed For Louis Dobbratz Co., Milwaukee, Wis."

On April 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4648. Adulteration of tomato paste. U. S. v. West Coast Packing Co. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 7686. Sample Nos. 72641-E, 81548-E, 89090-E, 12902-F.)

On November 14, 1942, the United States attorney for the Southern District of California filed an information against the West Coast Packing Co., a corporation, Long Beach, Calif., alleging shipment in the period from on or about October 28 to December 5, 1941, from the State of California into the States of Colorado and New York of quantities of tomato paste that was adulterated in that it consisted in whole or in part of a decomposed substance. The information alleged further that the defendant on or about July 9, 1941, gave to Bireley's Inc., at Hollywood, Calif., a guaranty that all food sold under a contract entered into on that day would be neither adulterated nor misbranded in violation of the Federal Food, Drug, and Cosmetic Act; that on or about May 22, 1942, the defendant sold and delivered to Bireley's Inc., in the name of the Italian Food