No appearance was entered in the action instituted at Chicago. On November 18 and 19, 1943, judgments of condemnation were entered in both actions and the product was ordered destroyed.

5742. Adulteration of tomato puree. U. S. v. 1,195 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 12352. Sample Nos. 33892–F, 75801–F.)

On May 10, 1944, the United States attorney for the Western District of New York filed a libel against 1,195 cases of tomato puree at Barre Center, N. Y., alleging that the article had been shipped on or about October 11, 1943, by the Mays Packing Co. from Mays, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material. Each case contained 6 unlabeled No. 10 cans.

On June 19, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5743. Adulteration of tomato soup. U. S. v. 398 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 12419. Sample No. 67337–F.)

On May 25, 1944, the United States attorney for the Northern District of Ohio filed a libel against 398 cases of tomato soup at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about October 23, 1943, by the Columbia Conserve Co., Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed tomato material. The article was labeled in part: (Cans) "Columbia Concentrated Tomato Soup."

On June 26, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND MEAT PRODUCTS*

5744. Adulteration of dressed poultry. U. S. v. 1 Barrel and 646 Boxes of Dressed Poultry. Decree of condemnation. Product ordered released under bond to be reconditioned by separating the fit from the unfit portion. (F. D. C. No. 11078. Sample No. 51549–F.)

On November 8, 1943, the United States attorney for the District of Massachusetts filed a libel against 1 barrel, containing about 172 pounds, and 646 boxes, each containing approximately 41 pounds, of dressed poultry at Boston, Mass., alleging that the article had been shipped on or about October 2, 1943, by the Tracy Produce Co., Inc., from Arlington, S. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. One portion, 172 pounds, of the article was labeled in part: "37 No. 1 Cox"; the remainder was labeled in part: "Traco Brand [or "Primo Brand," or "Choice"] Fowl [or "Springs," "Broilers," "Fryers," or "Roasters"]."

On November 29, 1943, the Tracy Produce Co., Inc., Tracy, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by separating the fit from the unfit portion under the supervision of the Food and Drug Administration. On February 10, 1944, an amended decree was entered providing for salvaging the product at Leominster, Mass., by eviscerating the fowl and discarding all birds bearing evidence of decomposition or other unfit condition, such rejected material to be denatured and disposed of for tankage or other non-human-food purposes.

5745. Adulteration of frozen poultry. U. S. v. 40 Barrels and 87 Boxes of Poultry. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10681. Sample No. 43340–F.)

On or about September 10, 1943, the United States attorney for the Western District of Missouri filed a libel against 40 barrels, containing approximately 12,155 pounds and 87 boxes, containing approximately 6,766 pounds, of frozen poultry at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 23, 1943, by the Edward Aaron Co. from Shenandoah, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance because of the presence of decomposed birds.

*See also No. 5766.