

ALLEGED SHIPMENT: On or about November 16, 1943, by the Riverbank Canning Co., Modesto, Calif.

PRODUCT: 456 cases, each containing 24 6-ounce cans, of tomato paste at New York, N. Y.

LABEL, IN PART: (Cans) "Premier Tomato-Paste * * * Francis H. Leggett & Co. Distributors New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 22, 1944. Francis H. Leggett & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

6532. Adulteration of tomato puree. U. S. v. 326 Cases and 142 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 12225, 12294. Sample Nos. 33891-F, 75702-F.)

LIBELS FILED: April 20 and May 1, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about March 21, 1944, by the Springfield Sugar & Products Co., from Springfield, Mass.

PRODUCT: 468 cases, each containing 6 cans, of tomato puree at Lockport, N. Y.

LABEL, IN PART: (Cans) "Rockford Brand Puree of Tomatoes * * * Sharp Canning Co. Rockford, Ohio, Ohio City, Ohio," or "Willow Brook Farm Products Tomato Puree * * * Packed By Phillips Bros. Salisbury, Md."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 31, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6533. Adulteration of tomato relish and cucumber relish. U. S. v. 332 Cases of Tomato Relish and 100 Cases of Cucumber Relish. Decrees of condemnation. Products ordered released under bond. (F. D. C. No. 11480. Sample Nos. 41418-F, 41419-F.)

LIBELS FILED: December 23, 1943, Southern District of Texas.

ALLEGED SHIPMENT: On or about September 22 and October 7, 1943, by the Mayfair Food Products Co., from Chicago, Ill.

PRODUCT: 100 cases, each containing 24 12-ounce jars, of cucumber relish, and 332 cases, each containing 24 17-ounce jars, of tomato relish at Houston, Tex.

Examination showed that the tomato relish was contaminated with viable spoilage micro-organisms and was undergoing active fermentation. The cucumber relish was undergoing spoilage; lids were blowing off the jars.

LABEL, IN PART: (Jars) "Mayfair Set Fresh Green Tomato [or "Cucumber"] Relish."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the tomato relish consisted in whole or in part of a decomposed substance; and the cucumber relish was unfit for food because it was undergoing spoilage.

DISPOSITION: March 31, 1944. The claimant having admitted the adulteration of the products, judgments of condemnation were entered and they were ordered released under bond for segregation of the fit from the unfit portion under the supervision of the Food and Drug Administration. The unfit portion was destroyed.

6534. Adulteration and misbranding of tomato sauce and misbranding of tomato puree. U. S. v. 181 Cases of Tomato Sauce and 148 Cases of Tomato Puree. Consent decrees of condemnation. Products ordered released under bond to be relabeled. Amended decree ordering puree distributed to charitable institutions. (F. D. C. Nos. 9922, 10900. Sample Nos. 6645-F, 47236-F.)

LIBELS FILED: May 12 and October 7, 1943; libel of May 12, 1943, amended on March 18, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 15 and June 28, 1943, by the Glorioso Corporation, Hopewell, Miss., and New Orleans, La.

PRODUCT: 181 cases, each containing 100 cans, of tomato sauce, and 148 cases, each containing 48 cans, of tomato puree at Memphis, Tenn.

LABEL, IN PART: (Can) "Eagle Brand Tomato Puree," or "Eagle Brand Tomato Sauce Made from Whole Tomatoes Spices Added [or "Tomato Pulp, Salt, Powdered Cereals, Vegetables and Spices Added"]."

VIOLATIONS CHARGED: Adulteration (tomato sauce), Section 402 (b) (2), an unconcentrated tomato product had been substituted in whole or in part for tomato sauce, an article which is understood by the trading and consuming public to be a concentrated tomato product with or without added spices.

Misbranding, Section 403 (a), the name "Tomato Sauce," appearing on the label, was false and misleading as applied to an unconcentrated tomato product; and the statements on some of the labels, "Spices Added," and on the remainder, "Made From Tomato Pulp, Salt, Powdered Cereals, Vegetables and Spices Added," were false and misleading since no spices or cereals were present in the tomato sauce; Section 403 (g) (1), (tomato puree) the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, but it failed to conform to the standard since it contained skins and less than 8.37 percent of salt-free tomato solids.

DISPOSITION: Between March 18 and May 20, 1944, the Glorioso Corporation, in liquidation, having appeared as claimed, judgments of condemnation were entered and the products were ordered released under bond to be relabeled under the supervision of the Federal Security Agency. On August 26, 1944, the decree filed with respect to the puree was amended to provide that it be distributed to local charitable institutions in lieu of the disposition ordered in the original decree.

6535. Misbranding of tomato sauce with meat. U. S. v. 33 Cases of Tomato Sauce With Meat. Default decree of condemnation and destruction. (F. D. C. No. 11901. Sample No. 50017-F.)

LABEL FILED: February 25, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 11, 1943, by the Ragu Packing Co., from Rochester, N. Y.

PRODUCT: 33 cases, each containing 24 10-ounce cans, of tomato sauce with meat, at Erie, Pa.

Examination showed that the product contained an insignificant amount of meat. The average meat content was 0.65 percent.

LABEL IN PART: (Cans) "Ragu Brand Tomato Sauce With Meat."

VIOLATION CHARGED: Misbranding, Section 403 (a), the prominent statement "With Meat" was misleading as applied to a product containing an insignificant proportion of meat.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6536. Adulteration of tomato soup. U. S. v. 23 Cases of Tomato Soup (and 3 other seizure actions against tomato soup). Default decrees of condemnation and destruction. (F. D. C. Nos. 11204, 11555, 11660, 11672, 12168. Sample Nos. 49126-F, 49167-F, 49303-F, 49381-F, 59529-F.)

LABELS FILED: Between December 1, 1943, and April 12, 1944, Southern District of Ohio, Eastern District of Michigan, and Eastern District of Tennessee.

ALLEGED SHIPMENT: Between the approximate dates August 7, 1943, and December 6, 1943, by the Morgan Packing Co., Austin, Ind.

PRODUCT: Tomato soup: 23 cases, each containing 24 cans, and 100 cases, each containing 48 cans, at Cincinnati, Ohio; 199 cases, each containing 48 cans, at Columbus, Ohio; 149 cases, each containing 24 cans, at Detroit, Mich.; and 277 cases, each containing 48 cans, and 501 cases, each containing 24 cans, at Jellico, Tenn.

LABEL IN PART: "Scott Co. * * * Condensed Tomato Soup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: Between January 10 and May 17, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.