

8955. Adulteration of canned tomatoes. U. S. v. 1,787 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 15218. Sample No. 90190-F.)

LIBEL FILED: February 7, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about September 28, 1944, by the Evans Canning Co., from Galena, Mo.

PRODUCT: 1,787 cases, each containing 24 cans, of tomatoes at Little Rock, Ark.

LABEL, IN PART: "Evans Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its disagreeable odor and taste, which rendered it unpalatable.

DISPOSITION: May 1, 1945. The Evans Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered on April 12, 1945, and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. On April 30, 1945, further analysis of samples having shown that the product was unfit for human consumption, the court ordered it destroyed. On May 1, 1945, by amended order, the product was ordered delivered to a public institution, for use as animal feed.

8956. Misbranding of canned tomatoes. U. S. v. 107 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15317. Sample No. 2249-H.)

LIBEL FILED: March 6, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about November 21, 1944, by the Southgate Brokerage Co., Inc., from Norfolk, Va.

PRODUCT: 107 cases, each containing 24 cans, of tomatoes at Greenville, S. C.

This product contained liquid, small pieces of tomatoes, and peel in excess of the amounts prescribed by the regulations.

LABEL, IN PART: (Can) "Contents 1 lb. 3 oz. Virginia Chief Brand Tomatoes Packed by C. L. Hammack-Port Royal, Va."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes since the drained weight was less than 50 percent of the weight of water required to fill the container, the product contained excessive peel, and it was not labeled as substandard, as required by the regulations.

DISPOSITION: April 16, 1945. C. L. Hammack, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

8957. Adulteration of tomato catsup. U. S. v. 38 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 15299. Sample No. 2223-H.)

LIBEL FILED: March 6, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about December 26, 1944, by the S. J. Van Lill Co., from Baltimore, Md.

PRODUCT: 38 cases, each containing 24 8-ounce bottles, of tomato catsup at Greenville, N. C.

LABEL, IN PART: (Bottle) "Van Lill's Astoria Brand Pure Tomato Catsup."

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

DISPOSITION: April 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8958. Adulteration of tomato juice. U. S. v. 1,001 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 7572. Sample No. 79681-E.)

LIBEL FILED: May 27, 1942, Middle District of Tennessee; amended March 16, 1943.

ALLEGED SHIPMENT: On or about March 25, 1942, by the King Packing Co., from Sweetser, Ind.

PRODUCT: 1,001 cases, each containing 24 20-ounce cans, of tomato juice at Nashville, Tenn.

LABEL, IN PART: "Hermitage Brand * * * Tomato Juice Distributed by Robert Orr & Co., Nashville, Tenn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of vinegar fly maggots, fly eggs, and rot fragments, and of a decomposed substance by reason of the use in its manufacture of decomposed tomatoes, as evidenced by the presence of mold; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On February 7, 1944, the King Packing Co., claimant, having obtained permission of the court to withdraw its answer to the libel, judgment of condemnation was entered and the product was ordered destroyed. On April 7, 1944, the court signed an order adjudging the costs of the action against the claimant and ordering the issuance of execution therefor.

8959. Adulteration of tomato paste. U. S. v. 485 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15390. Sample No. 29306-H.)

LIBEL FILED: February 17, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about January 15, 1945, by the Sun Garden Packing Co., from San Jose, Calif., the product consigned to Jersey City, N. J.

PRODUCT: 485 cases, each containing 100 6-ounce cans, of tomato paste at Oakland, Calif.

LABEL, IN PART: "Green Bow Brand Tomato Paste."

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

DISPOSITION: April 10, 1945. The Sun Garden Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

8960. Misbranding of tomato paste. U. S. v. Uddo & Taormina Co. and Angelo Glorioso. Pleas of nolo contendere. Partnership fined \$500; imposition of sentence suspended and individual defendant placed on probation for 3 years. (F. D. C. No. 16511. Sample Nos. 6063-H, 20407-H.)

INFORMATION FILED: November 19, 1945, Southern District of California, against the Uddo & Taormina Co., a partnership, Buena Park, Calif., and Angelo Glorioso, plant superintendent.

ALLEGED SHIPMENT: Between the approximate dates of October 2 and November 11, 1944, from the State of California into the State of New York.

LABEL, IN PART: "Progresso Brand Pure Tomato Paste [or "Tomato Paste with Basil"]."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity prescribed by the regulations for tomato paste since it contained less than 25 percent of salt-free tomato solids.

DISPOSITION: February 26, 1946. Pleas of nolo contendere having been entered by the defendants, the court imposed a fine of \$500 on the partnership; imposition of sentence was suspended on the individual defendant, and he was placed on probation for 3 years.

8961. Adulteration and misbranding of tomato puree. U. S. v. 297 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 15342. Sample No. 29309-H.)

LIBEL FILED: March 5, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about February 9, 1945, by the Mel-Williams Co., from San Francisco, Calif.

PRODUCT: 297 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Providence, R. I.

LABEL, IN PART: "Tom Tom Fancy Tomato Puree * * * Packed by Valley Canning Co. Sonoma, Calif."

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

Misbranding, Section 403 (a), the label statement "Fancy Tomato Puree" was false and misleading as applied to the product, which was not fancy; and,