

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,

Section 403 (g) (1), the product failed to conform to the definition and standard for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: April 17, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8962. Adulteration and misbranding of tomato puree. U. S. v. 42 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 15426. Sample No. 26011-H.)

LABEL FILED: February 27, 1945, District of New Mexico.

ALLEGED SHIPMENT: On or about February 8, 1944, by the Taormina Corporation, from Donna, Tex.

PRODUCT: 42 cases, each containing 100 cans, of tomato puree at Clovis, N. Mex.

LABEL, IN PART: "Buffalo Brand Tomato Puree * * * Color Added Net Weight 4 $\frac{3}{4}$ Oz."

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

Misbranding, Section 403 (g) (1), it purported to be and was represented as tomato puree, but it failed to conform to the definition and standard for that product since it contained less than 8.37 percent of salt-free tomato solids and since it contained added artificial color which is not provided for in the standard.

DISPOSITION: March 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8963. Adulteration of tomato puree. U. S. v. 4,981 Cases and 2,000 Cases of Tomato Puree. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 12631, 12728. Sample Nos. 77886-F, 77888-F.)

LABELS FILED: June 7 and 23, 1944, District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of May 2 and 9, 1944, by the Sardik Food Products Co., from Lockport, N. Y.

PRODUCT: 6,981 cases, each containing 6 8-ounce cans, of tomato puree at Vineland, N. J.

LABEL, IN PART: (Portion) "Silver Lake Brand Tomato Puree * * * Packed in U. S. A. by Wm. Laning and Son Co. Bridgeton * * * N. J."

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

DISPOSITION: April 2, 1945. Wm. Laning and Son Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be destroyed or denatured. The product in both shipments was converted into duck feed.

8964. Adulteration of tomato puree. U. S. v. 336 Cases and 496 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 15272, 15733. Sample Nos. 2225-H, 2256-H.)

LABELS FILED: February 14 and March 26, 1945, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about November 21 and December 13, 1944, by A. W. Sisk and Son, from Hynson, Md.

PRODUCT: 832 cases, each containing 6 cans, of tomato puree at Norfolk, Va.

LABEL, IN PART: (Cans) "Bulow Tomato Puree Bulow Quality Products Contents 6 Lbs. 9 Oz. Packed in U. S. A. By Leon C. Bulow Bridgeville, Del."

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

DISPOSITION: April 25, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8965. Adulteration of tomato puree. U. S. v. 100 Cases and 149 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 15451, 15601. Sample Nos. 22120-H, 22123-H.)

LABELS FILED: February 28 and March 8, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 2, 1945, by John S. Mitchell, Inc., from Sharpsville, Ind.

PRODUCT: 249 cases, each containing 48 10-ounce cans, of tomato puree at St. Louis, Mo.