

PRODUCT: 163 cases, each containing 6 cans, of tomato puree at Philadelphia, Pa.
NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10321. Adulteration of tomato puree and tomato paste. U. S. v. 140 Cases of Tomato Puree and 600 Cases of Tomato Paste. Decrees of condemnation. Puree ordered destroyed; paste ordered released under bond. (F. D. C. Nos. 17550, 18958. Sample Nos. 5027-H, 6126-H.)

LIBELS FILED: January 8 and March 1, 1946, Eastern District of Pennsylvania and Northern District of New York.

ALLEGED SHIPMENT: On or about November 2 and December 13, 1945, by the Caruso Products Distributing Corporation, from Newark, N. J.

PRODUCT: 140 cases, each containing 6 No. 10 cans, of tomato puree at Utica, N. Y., and 600 cases, each containing 6 No. 10 cans, of tomato paste at Philadelphia, Pa. Examination of the tomato paste showed the presence of swells and springers, indicating that a part of the product was in a condition of active spoilage. Examination of the tomato puree showed the presence of decomposed tomato material.

LABEL, IN PART: (Puree only) "Suzy Bel Brand Fancy Tomato Puree * * * Packed by Stanislaus Canning Co., Modesto, Calif."

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

DISPOSITION: April 9, 1946. No claimant having appeared for the tomato puree, judgment of condemnation was entered and the product was ordered destroyed. On July 2, 1946, the California Canning Co., Manteca, Calif., claimant for the tomato paste, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good be separated from the bad and that the latter be destroyed under the supervision of the Food and Drug Administration.

10322. Adulteration and misbranding of canned tomatoes and adulteration of tomato puree and tomato paste. U. S. v. 161 Cases of Canned Tomatoes (and 3 other seizure actions against tomato puree and tomato paste). Decrees of condemnation. Portion of products ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 15706, 18706, 19000, 19673. Sample Nos. 5606-H, 7322-H, 7368-H, 8150-H.)

LIBELS FILED: March 26, 1945, and January 2 and 22 and April 16, 1946, Eastern District of New York and District of New Jersey.

ALLEGED SHIPMENT: On or about November 2, 1944, and October 23 and November 9 and 20, 1945, by the Califruit Canning Co., from Manteca, Calif.

PRODUCT: 161 cases, each containing 24 cans, of tomatoes, 800 cases, each containing 6 No. 10 cans, of tomato puree, and 429 cases, each containing 96 6-ounce cans, of tomato paste at Newark, N. J.; and 32 cases, each containing 48 10½-ounce cans, of tomato puree at Brooklyn, N. Y. The canned tomatoes were a mixture of unpeeled pear-shaped tomatoes and tomato puree. Examination showed that all three of the products contained decomposed tomato material.

LABEL, IN PART: "Enrico Caruso Brand [or "Valia Brand"] Tomato Paste," or "Lulu Brand Extra Heavy Tomato Puree." The canned tomatoes and one lot of tomato puree were marked "unlabeled." No written agreement existed as to the labeling of the canned tomatoes.

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

Misbranding (canned tomatoes), Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the food.

DISPOSITION: April 1 and December 11, 1946. No claimant having appeared for the lots of tomato puree, judgments of condemnation were entered and the product was ordered destroyed. On March 20 and May 29, 1946, the Caruso Products Distributing Corporation, claimant for the lots of canned tomatoes and tomato paste at Newark, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the portions of both products fit for human consumption be segregated and labeled so as to comply with the law, under the supervision of the Food and Drug Administration.

10323. Adulteration of Catsup Style Sauce. U. S. v. 31 Dozen Bottles of Catsup Style Sauce (and 2 other seizure actions against Catsup Style Sauce). Default decrees of condemnation and destruction. (F. D. C. Nos. 15985, 16399, 16897. Sample Nos. 23975-H, 24804-H, 31624-H.)

LIBELS FILED: May 1, June 6, and July 20, 1945, Northern District of Alabama and Southern District of California.

ALLEGED SHIPMENT: On or about November 6 and December 21, 1944, and January 4, 1945, by the Del-Mar Co., from Dallas, Tex.

PRODUCT: Catsup Style Sauce. 65 cases, each containing 24 6-ounce bottles, and 66 cases, each containing 48 6-ounce bottles, at Birmingham and Anniston, Ala., respectively; and 31 dozen 6-ounce bottles at San Diego, Calif. The product was undergoing fermentation.

LABEL, IN PART: "Imperial Catsup Style Sauce."

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

DISPOSITION: June 6, July 6, and August 20, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

MEAT AND POULTRY

10324. Adulteration of frankforts. U. S. v. Harold W. Cole. Plea of guilty. Fine, \$100. (F. D. C. No. 17826.)

INFORMATION FILED: October 19, 1945, District of Massachusetts, against Harold W. Cole, trading as H. W. Cole & Co., Boston, Mass.

ALLEGED SHIPMENT: On or about March 15, 1945, from the State of Massachusetts into the State of Rhode Island.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, and decomposed substance, i. e., meat food products which had become contaminated with filth.

DISPOSITION: November 6, 1945. A plea of guilty having been entered, the court imposed a fine of \$100.

10325. Adulteration of pork sausage meat. U. S. v. 118 Boxes of Pork Sausage Meat. Default decree of condemnation. Product ordered sold. (F. D. C. No. 17555. Sample No. 6112-H.)

LIBEL FILED: September 13, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 18, 1945, by the Berkshire Provision Wholesale Co., from Chicago, Ill.

PRODUCT: 118 60-pound boxes of pork sausage meat at New York, N. Y.

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

DISPOSITION: November 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be rendered into inedible fats and grease.

10326. Adulteration of dressed poultry. U. S. v. Mrs. George D. Tracy Poultry & Eggs. Plea of guilty. Fine, \$150. (F. D. C. No. 16557. Sample No. 86578-F.)

INFORMATION FILED: January 15, 1946, District of Minnesota, against Mrs. George D. Tracy Poultry & Eggs, a partnership, Tracy, Minn.

ALLEGED SHIPMENT: On or about November 26, 1944, from the State of Minnesota into the State of Illinois.