11063. Adulteration and misbranding of tomato puree. U. S. v. 25 Cases * * *. (F. D. C. No. 19267. Sample No. 51037–H.)

LIBEL FILED: March 21, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about December 4, 1945, by the Kennard Food Products Co., from Kennard, Ind.

PRODUCT: 25 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Pipestone, Minn.

LABEL, IN PART: "Kennard Brand * * * Indiana Tomato Puree."

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

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

DISPOSITION: August 5, 1946. No claimant having appeared, judgment was entered ordering the product denatured for use as animal feed, under the supervision of the Food and Drug Administration; otherwise, the product was to be destroyed.

11064. Adulteration of tomato puree and tomato juice. U. S. v. 495 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 19768, 19769, 19938. Sample Nos. 8818–H, 8820–H, 8822–H.)

LIBELS FILED: May 7 and 21, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about March 7, 1946, by the Great Lakes Canning Co., from Dundee, Mich.

PRODUCT: 825 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree and 346 cases, each containing 6 3-quart cans, of tomato juice at New York, N. Y.

LABEL, IN PART: "Pride of Dundee Tomato Puree [or "Tomato Juice"]."

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

DISPOSITION: May 21 and August 2, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

11065. Adulteration and misbranding of tomato puree and adulteration of tomato paste. U. S. v. 1,496 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 19250, 19261, 19415. Sample Nos. 8444–H, 46790–H, 46791–H.)

LIBELS FILED: On or about February 28 and March 6 and 11, 1946, Southern District of New York, District of Connecticut, and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 20, 1945, and January 14 and 15, 1946, by Parrott & Co., from San Francisco, Calif.

PRODUCT: 1,496 cases, each containing 6 6-pound, 12-ounce cans, of tomato puree at New York, N. Y.; 150 cases, each containing 96 6-ounce cans, of tomato paste at East Hartford, Conn.; and 187 cases, each containing 24 cans, of tomato puree at Allentown, Pa. Examination showed that the Allentown lot was short-weight and that the other lots contained decomposed tomato material.

LABEL, IN PART: "Royal Scarlet Fancy Heavy Tomato Puree * * * Distributors R. C. Williams & Co., Inc. New York, N. Y.," "Finast Brand Tomato Paste," or "Contents 1 Lb. 13 Oz. Valley Belt Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the New York and East Hartford lots of the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (2), the Allentown lot failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 22, April 4, and June 22, 1946. Parrott & Co., San Francisco, Calif., and Reeves Parvin and Co., Philadelphia, Pa., having appeared as claimants for the New York and Allentown lots, respectively, and having admitted the allegations of the libels, and no claimant having appeared for the East Hartford lot, judgments of condemnation were entered. It was ordered

that the New York lot be released under bond, conditioned upon the segregation and destruction, or denaturing, of the unfit portion, under the supervision of the Federal Security Agency; that the East Hartford lot be destroyed; and that the Allentown lot be released under bond for relabeling, under the supervision of the Federal Security Agency.

11066. Adulteration of tomato paste. U. S. v. 129 Cases * * *. (F. D. C. No. 19487. Sample No. 45562–H.)

LIBEL FILED: April 3, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about March 9, 1946, by the Veronica Olive Oil Co., from Oakland, Calif.

PRODUCT: 129 cases, each containing 96 6-ounce cans, of tomato paste at New York, N. Y.

LABEL, IN PART: "Contadina Fancy Tomato Paste * * * Hershel Cal. Fruit Prod. Co. San Jose, Calif."

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: April 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11067. Misbranding of tomato paste. U. S. v. 27 Cases * * *. (F. D. C. No. 19600. Sample No. 58130–H.)

LIBEL FILED: April 23, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about January 3, 1946, by Hollister Canning Co., from Hollister, Calif.

PRODUCT: 27 cases, each containing 6 6-pound, 15-ounce tins, of tomato paste at Seattle, Wash.

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

DISPOSITION: October 15, 1946. Hollister Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

NUTS*

11068. Adulteration of shelled almonds. U. S. v. 35 Bags * * *. (F. D. C. No. 19605. Sample No. 35187–H.)

LIBEL FILED: April 10, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 14, 1945, from Sacramento, Calif.

PRODUCT: 35 100-pound bags of shelled almonds at St. Louis, Mo., in possession of the Dye Candy Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-cut, and the almonds had been gnawed by rodents. Examination showed that the product was insect-infested and that it contained rodent excreta and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 29, 1946. The Dye Candy 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 brought into compliance with the law, under the supervision of the Food and Drug Administration.

11069. Adulteration of shelled almonds. U. S. v. 90 Boxes * * *. (F. D. C. No. 19620. Sample No. 35188–H.)

LIBEL FILED: April 11, 1946, Eastern District of Missouri.

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*See also No. 11031.