DISPOSITION: February 21, 1952. Default decrees of condemnation and destruction.

18631. Adulteration of tomato paste. U. S. v. 1,046 Cases, etc. (F. D. C. No. 32492. Sample Nos. 24900–L to 24904–L, incl.)

LIBEL FILED: February 6, 1952, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 18, 25, and 26, and May 15, 1951, by Flotill Products, Inc., from Jersey City, N. J., and New York, N. Y.

PRODUCT: 1,046 cases, each containing 6 10-pound cans, and 4,198 cases, each containing 6 10-pound cans or 6 9-pound, 15-ounce cans, of tomato paste at New Cumberland, Pa.

LABEL, IN PART: (Cans) "Doppio Concentrato Tomato Paste," "Tomato Paste Debar Brand," "Double Concentrated Tomato Paste," "La Romanella Brand Tomato Paste," or "Francesco Spinelli Africanella Tomato Paste With Basil Leaf."

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: June 5, 1952. Default decree of condemnation and destruction.

18632. Adulteration of tomato paste. U. S. v. 1,468 Cases * * *. (F. D. C. No. 32469. Sample No. 24899–L.)

LIBEL FILED: On or about January 31, 1952, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 2, 1951, by Bertman Food Products, from New York, N. Y.

PRODUCT: 1,468 cases, each containing 10 cans, of tomato paste at New Cumberland, 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: On June 1, 1952, Bertman Food Products filed a "disclaimer" in which it disclaimed having any interest whatsoever in the suit and denied that it had shipped the product in interstate commerce, stating that the U. S. Government was the shipper. It denied further that the article was adulterated when introduced into interstate commerce and that the court had jurisdiction over the proceedings.

A motion was filed by the Government to strike the "disclaimer" and to enter a default decree pursuant to the prayer of the libel. On July 16, 1952, the Government's motion came on for hearing, and after due consideration, the court ordered that the motion to strike be allowed and that the disclaimer be stricken. On July 17, 1952, the court entered an order providing for condemnation and destruction of the product.

18633. Adulteration of tomato paste. U. S. v. 899 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32419, 32423. Sample Nos. 22990–L, 23409–L.)

LIBELS FILED: January 12 and 14, 1952, Northern District of New York and District of New Jersey.

ALLEGED SHIPMENT: On or about April 20 and June 18, 1951, by Merchants Trading Co., Inc., from Hoboken, N. J., and New York, N. Y.