

Both products were alleged to be adulterated in that they consisted in whole or in part of filthy substances.

On March 30, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250.

**2742. Adulteration of tomato catsup, tomato sauce, hot sauce, and canned tomatoes. U. S. v. Stockton Food Products, Inc. Plea of guilty. Fine, \$1,300.** (F. D. C. No. 2897. Sample Nos. 56459-D, 56484-D, 56486-D, 56194-D, 56495-D, 72963-D, 92328-D, 92329-D, 92331-D, 92345-D, 92355-D, 92378-D, 92505-D, 92508-D, 9184-E, 9185-E, 9287-E, 12403-E, 12404-E, 12409-E, 12708-E, 13110-E, 13339-E, 13586-E to 13588-E, incl.)

Portions of these products contained excessive mold, other portions contained worm and insect fragments, and in the remainder both conditions were found.

On May 14, 1941, the United States attorney for the Northern District of California filed an information against Stockton Food Products, Inc., a corporation at Stockton, Calif., alleging shipment and delivery for introduction in interstate commerce within the period from on or about October 25, 1939, to on or about March 12, 1940, from the State of California into the States of Alabama, Florida, Georgia, Louisiana, Maryland, New York, Oregon, Pennsylvania, Texas, Virginia, Washington, and the Territory of Hawaii, of quantities of tomato catsup, tomato sauce, hot sauce, and canned tomatoes that were adulterated.

The articles were labeled in part: (Catsup, cans) "Much More Brand \* \* \* Tomato Catsup \* \* \* 6 Lbs. 10 Ozs. Packed for Food Products Co. of America \* \* \* Chicago, Ill.," "Real Red Brand Tomato Catsup \* \* \* 6 Lb. 12 Oz.," "M S C Makes Satisfied Customers Tomato Catsup \* \* \* 6 Lbs. 12 Oz. Packed for Recorg Supply Corporation Chicago," or "Racquet Brand Tomato Catsup \* \* \* 6 Lbs. 12 Ozs. \* \* \* Harcourt Greene Co. Distributors San Francisco"; (tomato sauce, cans) "Dellford Brand Tomato Sauce \* \* \* 8 Oz. Avd. \* \* \* Middendorf & Rohrs Distributors New York," "8 Oz. U/L Tom. Sauce," "Fargo Brand Spanish Style Tomato Sauce \* \* \* 8 Oz. Packed for Food Products Co. of America \* \* \* Chicago, Ill.," "Happy Home \* \* \* 7¾ Oz. Avoir. Spanish Style Tomato Sauce \* \* \* Schwabacher Bros. & Co., Inc. Seattle, Wash. Distributors," "Standby Fancy Tomato Sauce \* \* \* 7¾ Oz. Avd. Packed for Fine Foods, Inc. Seattle Minneapolis," "Royal Clover Brand Spanish Style Tomato Sauce \* \* \* 7¾ [or "8"] Oz. Avoir. \* \* \* Distributed by B. H. Budo & Brother [or "Royal Clover Distributing Co.,"] Baltimore, Md.," "Red & White Brand \* \* \* Tomato Sauce \* \* \* 7¾ Oz. \* \* \* Red & White Corp'n Distributor Chicago," or "Shurfine Fancy Tomato Sauce Spanish Style \* \* \* 7¾ Ozs. \* \* \* National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago"; (hot sauce, cans) "Nation's Garden Brand Spanish Style Hot Sauce \* \* \* 7½ Oz. Avd. \* \* \* Packed for Fine Foods, Inc. Seattle-Minneapolis," "For All' Brand Hot Sauce \* \* \* 7½ Oz. \* \* \* Harcourt Greene Co. Distributors San Francisco, Calif.," or "Brimfull Brand Hot Sauce \* \* \* 7¾ Oz. Distributed by Kitchen Products, Inc., Chicago"; and (tomatoes, cans) "Tastewell \* \* \* Tomatoes \* \* \* National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy and/or decomposed substances.

On September 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, totaling \$1,300.

**2743. Adulteration and misbranding of tomato catsup. U. S. v. 350 Cases, 249 Cases, and 231 Cases of Tomato Catsup. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5308, 6358. Sample Nos. 62416-E, 73464-E, 73465-E.)

Examination showed that this product contained decomposed material as evidenced by the presence of excessive mold. The bottles in one lot failed to bear a label containing the name of the product, the name and address of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

On August 8 and December 4, 1941, the United States attorneys for the Northern District of Illinois and the Western District of Oklahoma filed libels (the former was amended on October 14, 1941) against 350 cases each containing 12 bottles of tomato catsup at Chicago, Ill., and 480 cases each containing 24 bottles of tomato catsup at Oklahoma City, Okla., alleging that the article had been shipped on or about May 19 and October 15, 1941, by Fettig Canning Corporation from Elwood, Ind.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: (350 cases) "All products bearing this label