

2747. Adulteration and misbranding of tomato puree. U. S. v. Uddo Taormina Corporation and Rosario Raspanti. Plea of guilty. Fine, \$1,200. (F. D. C. No. 4125. Sample Nos. 35350-E to 35353-E, incl., 35617-E.)

This product was deficient in tomato solids. Portions contained added color and portions contained excessive mold, indicating the presence of decomposed material.

On August 26, 1941, the United States attorney for the Southern District of Mississippi filed an information against Uddo Taormina Corporation, Crystal Springs, Miss., and Rosario Raspanti, alleging shipment on or about August 13, 18, and 21, 1940, from the State of Mississippi into the States of Alabama and Louisiana of quantities of tomato puree which was adulterated and misbranded. It was labeled in part: "Baby Brand Tomato Puree." A portion bore the statement "color added" on the label.

Portions of the article were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance. The portion labeled "color added" was alleged to be adulterated in that it was represented on its label to be tomato puree, and was inferior to tomato puree, and its inferiority to tomato puree had been concealed by the addition of artificial color; and in that color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

All lots of the article were alleged to be misbranded in that it purported to be or was represented as tomato puree, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and contained less than 8.37 percent of salt-free tomato solids, and portions contained added color; whereas the regulations prescribe that tomato puree shall contain not less than 8.37 percent of salt-free tomato solids, and do not name color as an optional ingredient in tomato puree.

On November 4, 1941, a plea of guilty was entered on behalf of the defendants and the court imposed a fine of \$1,200.

2748. Adulteration of tomato puree. U. S. v. 99 Cases, 63 Cases, and 31 Cases of Tomato Puree. Default decrees of destruction. (F. D. C. Nos. 5236, 6345. Sample Nos. 29495-E, 79044-E, 79045-E.)

On July 29 and December 2, 1941, the United States attorneys for the Southern District of Ohio and the Eastern District of Kentucky filed libels against 99 cases each containing 24 No. 2 cans of tomato puree at Columbus, Ohio, and 63 cases each containing 48 cans, and 31 cases each containing 6 No. 10 cans, of tomato puree at Covington, Ky., alleging that the article had been shipped on or about April 18 and September 27, 1941, by Butterfield Canning Co. from Muncie, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Indiano Brand Tomato Puree [or "Puree of Tomatoes Contents 6 Lbs. 8 Ozs."] * * * Packed By Butterfield Canning Co."; or "Dixie Tomato Puree Net Weight 10½ Oz. Distributed by Dixie Wholesale Grocery Incorporated Covington, Ky."

On October 29 and December 24, 1941, no claimant having appeared, judgments were entered ordering that the product be destroyed.

2749. Adulteration of tomato puree. U. S. v. 79 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 5779. Sample No. 38987-E.)

On September 18, 1941, the United States attorney for the District of Minnesota filed a libel against 79 cases of tomato puree at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about August 16, 1941, by J. Leroy Farmer from West Liberty, Iowa; and charging that it was adulterated in that it consisted wholly or in part of decomposed substances. The article was labeled in part: (Cans) "Liberty Brand Tomato Puree."

On March 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2750. Adulteration of canned tomatoes and canned tomato sauce. U. S. v. Santa Anita Food Corporation. Plea of guilty. Fines, \$100 each on counts I and II; sentence suspended on count III. (F. D. C. No. 5478. Sample Nos. 7092-E, 32885-E, 32887-E.)

These canned tomatoes contained excessive mold indicating the presence of decomposed material, and the tomato sauce contained worm and insect larvae fragments.

On December 21, 1941, the United States attorney for the Southern District of

California filed an information against the Santa Anita Food Corporation, having places of business at Anaheim and Orange, Calif., alleging shipment by said defendant on or about February 22 and October 26, 1940, from Anaheim and Orange, Calif., into the State of Arizona of quantities of canned tomatoes and canned tomato sauce which were adulterated, the former in that it consisted in whole or in part of a decomposed substance, and the latter in that it consisted in whole or in part of a filthy substance.

The information further alleged that on or about December 24, 1940, the defendant sold a quantity of canned tomato sauce under a guaranty that it was not adulterated, that the said tomato sauce was introduced into interstate commerce by the purchaser thereof from Los Angeles, Calif., into the State of Arizona and that when sold and delivered by the defendant and introduced in interstate commerce, the article was adulterated in that it consisted in whole or in part of a filthy substance, and that, by reason of said acts, the defendant had unlawfully given to the purchaser of said tomato sauce a guaranty that was false.

On December 22, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed fines of \$100 each on counts I and II and suspended sentence on count III.

2751. Adulteration of tomato sauce. U. S. v. 500 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 4518. Sample No. 46742-E.)

Examination showed this product to contain insect fragments and excessive mold.

On May 1, 1941, the United States attorney for the District of Puerto Rico filed a libel against 500 cases of tomato sauce at San Juan, P. R., alleging that the article had been shipped in interstate commerce on or about January 15, 1941, by Tuggle Edstrom Co. (California Food Products) from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. It was labeled in part "Lido Tomato Sauce."

On February 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2752. Adulteration of tomato sauce. U. S. v. 200 Cases of Tomato Sauce. Default decree of condemnation; product destroyed. (F. D. C. No. 4848. Sample No. 49182-E.)

Examination showed that this product contained worm and insect fragments as well as excessive mold.

On or about May 31, 1941, the United States attorney for the Western District of Louisiana filed a libel against 200 cases of tomato sauce at Alexandria, La., alleging that it had been shipped in interstate commerce on or about February 21, 1941, for Parrott & Co., from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. It was labeled in part: "Valley Belt Tomato Sauce Spanish Style."

On February 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of by the marshal as provided by law. On February 12, 1942, it was destroyed by burning.

2753. Misbranding of canned tomatoes. U. S. v. 289 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3607. Sample No. 35459-E.)

Examination showed that this product was substandard because of low drained weight, poor color, and excessive peel.

On January 2, 1941, the United States attorney for the Western District of Louisiana filed a libel against 289 cases, each containing 48 10-ounce cans, of tomatoes at Shreveport, La., alleging that the article had been shipped on or about August 23, 1940, by J. M. Bohannon Canning Co. from Carthage, Tex.; and charging that it was misbranded. It was labeled in part: "Bohannon Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 9, 1941, J. M. Bohannon Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.