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.