

28091. Adulteration of tomato paste. U. S. v. 421 Cases, 853 Cases, 255 Cases, and 129 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond for segregation of portion fit for human consumption, and destruction of remainder. (F. & D. Nos. 38851, 38901, 38936, 39959. Sample Nos. 17031-C, 17033-C, 17564-C, 26455-C.)

Samples of this product were found to contain filth resulting from worm and insect infestation.

On December 19, 1936, and January 4, 11, and 14, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 1,658 cases of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 16, 21, and 25 and November 4, 1936, from Harbor City and Los Angeles, Calif., by the Harbor City Food Corporation, and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part: "Campagnola Brand Tomato Paste Harbor City Food Corporation Los Angeles California"; "Diaz Brand Salsa di Pomodoro Con Basilico Natural Color. Solafani Bros. Brooklyn, N. Y. Distributors Tomato Paste"; "Cara Brand Tomato Paste Italian Style * * * Distributors Acierno Bros., Brooklyn, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 16, 1937, and January 17, 1938, the Harbor City Food Corporation, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation of the portion fit for human consumption, and for destruction of the remainder.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28092. Adulteration of tomato paste. U. S. v. 19 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 38907. Sample No. 17029-C.)

This product contained filth resulting from worm infestation.

On January 5, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of tomato paste at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about November 25, 1936, by Paolo Alonge & Bros. from Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Campagnola Brand Tomato Paste * * * Packed by Harbor City Food Corp. Los Angeles, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 27, 1938, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28093. Adulteration of butter. U. S. v. Randolph Stuart Gillespie (Piedmont Creamery). Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 39469. Sample No. 22591-C.)

This product was deficient in milk fat.

On June 16, 1937, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Randolph Stuart Gillespie, trading as Piedmont Creamery, Statesville, N. C., alleging shipment by the defendant on or about January 18, 1937, from the State of North Carolina into the State of Virginia of a quantity of butter which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which it purported to be.

On October 25, 1937, upon the entry of a plea of nolo contendere, the defendant was sentenced to pay a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*