

Brand Pure Tomato Paste * * * Packed by Flotill Products Inc."; "Dellford Brand * * * Tomato Sauce, * * * Middendorf & Rohrs Distributors, New York"; "Real Red Brand Tomatoes with added strained residual tomato material * * * Stockton Food Products Inc., Stockton, Calif."; "Racquet Brand Tomato Catsup * * * Harcourt, Greene Co., Distributors. San Francisco, Calif."

The canned tomatoes, the tomato sauce, and the tomato paste were alleged to be adulterated in that they consisted in whole or in part of decomposed substances. The tomato catsup was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

The tomato sauce was alleged to be misbranded in that the statement on the label, "Contents 8 oz.," was false and misleading; and in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On February 6, 1940, Flotill Products, Inc., Stockton, Calif., claimant for the product seized in the Northern District of New York, i. e., the tomato paste, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the unfit portion be segregated from the good portion and destroyed. On January 23, April 19, and May 23, 1940, no claimant having appeared for the remaining products, judgments of condemnation were entered and the products were ordered destroyed.

642. Adulteration of tomato puree. U. S. v. Charles J. Clamme, Sr., and Albert Clamme (Clamme Canning Co.). Pleas of guilty. Fines, \$10. (F. D. C. No. 937. Sample No. 79609-D.)

Examination showed that this product contained excessive mold.

On February 21, 1940, the United States attorney for the Northern District of Indiana filed an information against Charles J. Clamme, Sr., and Albert Clamme, trading as the Clamme Canning Co. at Hartford City, Ind., alleging shipment in interstate commerce on or about October 11, 1939, from Hartford City, Ind., into the State of Illinois of a quantity of puree of tomatoes that was adulterated. The article was labeled in part: "Richelieu Brand Puree of Tomatoes Distributed by Sprague, Warner & Company, Chicago, Ill."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance, namely, puree of tomatoes containing excessive mold.

On April 24, 1940, the defendants entered pleas of guilty and the court imposed fines totaling \$10.

Nos. 643-646, inclusive, report the seizure and disposition of tomato puree that contained excessive mold, indicating the presence of decomposed material.

643. Adulteration of tomato puree. U. S. v. 48 Cases and 149 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 1781, 1848. Sample Nos. 13119-E, 13121-E.)

On or about April 12 and 23, 1940, the United States attorney for the Eastern District of Washington filed libels against 48 cases and 149 cases, respectively, of tomato puree at Spokane, Wash., alleging that the article had been shipped in interstate commerce from Ogden, Utah, in part on or about October 10 and November 28, 1939, by the Royal Canning Corporation, and in part on or about January 26, 1940, by H. D. Olson; and charging that it was adulterated. The product was labeled in part: "Little Boy Blue Brand Puree * * * Royal Canning Corp., Ogden, Utah"; and "Falls Brand Whole Tomato Puree. Packed for Roundup Grocery Company, Spokane, Washington."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

On June 1, 1940, no claimant having appeared, decrees of condemnation were entered and it was ordered that the product be destroyed.

644. Adulteration of tomato puree. U. S. v. 49 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1754. Sample No. 13123-E.)

On about April 6, 1940, the United States attorney for the Eastern District of Washington filed a libel against 49 cases of tomato puree at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about January 26, 1940, by H. D. Olson from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The product was labeled in part: "Roundup Brand * * * Packed for Roundup Grocery Co., Spokane, Wash."