

885. Adulteration of tomato catsup. U. S. v. 20 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2041. Sample No. 13177-E.)

On May 29, 1940, the United States attorney for the District of Oregon filed a libel against 20 cases of tomato catsup at La Grande, Oreg., alleging that the article had been shipped in interstate commerce on or about March 21, 1940, by the Interior Grocery Co. from Walla Walla, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Bottles) "Pheasant Brand Tomato Catsup Distributed by Wadhams and Company, Portland, Oregon."

On July 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

886. Adulteration of tomato catsup. U. S. v. 99 Cases and 59 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 1394, 2043. Sample Nos. 56469-D, 12547-E.)

Samples of this product were found to contain fragments of insect larvae and other filth resulting from insect infestation.

On January 23 and May 28, 1940, the United States attorney for the District of Massachusetts filed libels against 158 cases of tomato catsup at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 8, 1939, and May 1, 1940, by the California Conserving Co. Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Bottles) "Monitor Brand Tomato Catsup."

On October 21, 1940, the California Conserving Co., Inc., claimant, having failed to file answers to the libels, and being in default, judgments of condemnation were entered and the product was ordered destroyed.

887. Misbranding of tomato catsup. U. S. v. 122 Cases of Tomato Catsup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1684. Sample No. 71373-D.)

This product was short weight.

On March 25, 1940, the United States attorney for the District of Arizona filed a libel against 122 cases of tomato catsup at Douglas, Ariz., alleging that the article had been shipped in interstate commerce on or about January 6, 1940, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was misbranded. It was labeled in part: "Nt. Wt. 14 Oz. Monte Rio Tomato Catsup * * * Orange County Cannery, Inc., Fullerton, Calif."

It was alleged to be misbranded in that the statement "Nt. Wt. 14 Oz." was false and misleading in that it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On May 14, 1940, the claimant, Val Vita Food Products, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law.

888. Adulteration of tomato catsup and misbranding of tomato juice. U. S. v. 5½ Cases of Tomato Catsup and 17½ Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. Nos. 1216, 1217. Sample Nos. 83723-D, 83724-D.)

The tomato catsup contained fragments of larvae and other filth resulting from worm infestation and the tomato juice was short of the declared volume.

On December 22, 1939, the United States attorney for the District of Idaho filed a libel against 5½ cases of tomato catsup and 17½ cases of tomato juice at Twin Falls, Idaho, alleging that the articles had been shipped in interstate commerce on or about March 8, 1937, by Val Vita Food Products, Inc., from Fullerton, Calif., and charging that the former was adulterated and that the latter was misbranded. The articles were labeled in part: (Cans) "Val Vita Brand Tomato Catsup"; "Val Vita Brand Fancy Tomato Juice."

The tomato catsup was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

The tomato juice was alleged to be misbranded in that the statement "Net Contents 7¼ Fld. Ozs. or .21438 Liters," borne on the cans, was false and misleading since it was incorrect; and in that it was in package form and the label did not bear an accurate statement of the quantity of the contents.

On January 12, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.