

5535. Misbranding of tomato paste. U. S. v. 66 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 10269. Sample No. 45274-F.)

On July 20, 1943, the United States attorney for the District of New Jersey filed a libel against 66 cases, each containing 6 No. 10 cans, of tomato paste at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 4, 1943, by the Sardik Food Products Corp. from Lockport, N. Y.; and charging that it was misbranded. The article was labeled in part: (Cans) "Fedora Italian Style Tomato Paste Contents 6 Oz. Avoir. Packed by Brocton Preserving Co., Brocton, N. Y."

It was alleged to be misbranded (1) in that the statement "6 Oz. Avoir." was false and misleading as applied to No. 10 cans containing an average of 6 pounds 13.9 ounces; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and, (3) in that it purported to be tomato paste, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard since it contained less than 25 percent of salt-free tomato solids.

On September 15, 1943, Max Millinger, Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

5536. Adulteration of tomato puree. U. S. v. 37 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 10063. Sample No. 14460-F.)

On June 14, 1943, the United States attorney for the District of Arizona filed a libel against 37 cases of tomato puree at Prescott, Ariz., which had been shipped on or about May 4, 1943, from Salt Lake City, Utah. The article was labeled in part: (Cans) "Smith Brand * * * Distributed by Smith Canning Co., Clearfield, Utah. Athena, Oregon Tomato Puree."

It was alleged to be adulterated in that it consisted in whole or in part of decomposed tomato material, as evidenced by mold.

On August 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5537. Adulteration of tomato puree. U. S. v. 2,644 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 10358. Sample Nos. 38148-F, 38149-F, 38907-F.)

Examination showed that this product contained decomposed material as evidenced by mold.

On or about August 16, 1943, the United States attorney for the Northern District of Illinois filed a libel against 2,644 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped by Joe Swidler from St. Marys, Ohio, within the period from on or about April 28 to May 14, 1943; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5538. Adulteration of tomato sauce. U. S. v. 233 Cases, 28 Cases, and 127 Cases of Tomato Sauce. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. Nos. 9514, 9763, 9793. Sample Nos. 9954-F, 9959-F, 10282-F.)

Examination showed that this product contained decomposed tomato material, as evidenced by mold.

On March 10 and April 8 and 13, 1943, the United States attorney for the Western District of Louisiana filed libels against 233 cases and 127 cases of tomato sauce at Shreveport, La., and 28 cases of tomato sauce at Logansport, La., alleging that the article had been shipped in interstate commerce within the period from on or about February 24 to July 20, 1942, by the Uddo & Taormina Co. from Crystal Springs, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Baby Brand Tomato Sauce."

On October 25, 1943, the Uddo & Taormina Co. having appeared as claimant and the libel proceedings having been consolidated, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law. The unfit portion was subsequently segregated and destroyed.