

**5955. Adulteration of tomato puree. U. S. v. 997 Cases of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of adulterated portion.** (F. D. C. No. 11271, Sample No. 4156-F.)

**LABEL FILED:** December 8, 1943, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 20 and 21, 1943, by the Shirley Food Co., Pendleton, Ind.

**PRODUCT:** 997 cases, each containing 6 unlabeled No. 10 cans, of tomato puree at Cincinnati, Ohio.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** December 22, 1943. The Kroger Grocery & Baking Co. appeared as claimant and admitted the allegations of the libel. Decree of condemnation was entered, and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

**5956. Adulteration of tomato puree. U. S. v. 447 Cases and 30 Cases of Tomato Puree. Default decrees of condemnation and destruction.** (F. D. C. Nos. 11281, 11884. Sample Nos. 4157-F, 67348-F.)

**LABELS FILED:** December 8, 1943, Southern District of Ohio; February 22, 1944, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about October 28 and November 3, 1943, by the Butterfield Canning Co., Muncie, Ind.

**PRODUCT:** 447 cases, each containing 6 No. 10 cans, of tomato puree, at Cincinnati, Ohio, and 30 cases, each containing 24 cans, of tomato puree, at Covington, Ky.

**LABEL, IN PART:** "Butterfield Brand Tomato Puree," and "Indiano Brand Tomato Puree."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 13 and March 16, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**5957. Adulteration and misbranding of tomato puree. U. S. v. 137 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 9497. Sample No. 9589-F.)

**LABEL FILED:** March 5, 1943, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about February 4, 1943, by the Fink Co., Dallas, Tex.

**PRODUCT:** 137 cases, each containing 48 cans, of tomato puree at Lake Charles, La.

**LABEL, IN PART:** "Val-Tex Brand Tomato Puree Color Added \* \* \* Packed By Lee Akin and Sons Mission and McAllen Texas."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence of vinegar fly eggs, vinegar fly maggots, larvae, and fly fragments.

Misbranding, Section 403 (g) (1), it purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard, since it contained artificial color, and the definition and standard does not provide for artificial color as an ingredient of tomato puree.

**DISPOSITION:** December 15, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MEAT AND MEAT PRODUCTS\*

**5958. Misbranding of bouillon paste. U. S. v. 8 Cases of Bouillon Paste (and 1 other seizure action against bouillon paste). Default decrees of condemnation and destruction. One portion ordered delivered to a charitable institution.** (F. D. C. Nos. 10459, 12264. Sample Nos. 11573-F, 63218-F.)

\*See also Nos. 5996. 5997.