

ALLEGED SHIPMENT: On or about October 14, 16, 17, and 18, 1944, from the State of New Jersey into the States of New York, Pennsylvania, and Maryland.

LABEL, IN PART: "Mountain Beauty Tomato Paste [or "Tomato Puree"]
* * * Packed For La Sierra Heights Canning Co., Inc.—Buena Park—California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: March 20, 1946. Pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$300 against the corporate defendant. The individual defendant was fined \$100 on each of 7 counts of the information, with sentence suspended on count 8, and he was placed on probation for 2 years.

9589. Misbranding of tomato paste. U. S. v. 200 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19506. Sample No. 44543-H.)

LABEL FILED: April 10, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 4, 1946, by the F. and M. Importing Co., from Los Angeles, Calif.

PRODUCT: 200 cases, each containing 100 6-ounce cans, of tomato paste at Boston, Mass. The product contained less than 25 percent of salt-free tomato solids.

LABEL, IN PART: "Progresso Brand Pure Tomato Paste * * * Packed For La Sierra Heights Canning Co., Inc. Buena Park, California."

NATURE OF CHARGE: Misbranding, Section 403(g)(1), the product failed to conform to the definition and standard of identity for tomato paste since the regulations provide that tomato paste shall contain not less than 25 percent of salt-free tomato solids.

DISPOSITION: May 28, 1946. The Uddo and Taormina Co., Buena Park, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

9590. Adulteration of tomato puree and misbranding of tomato paste and apricots. U. S. v. Thornton Canning Co. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 16568. Sample Nos. 73483-F, 84527-F, 84547-F, 29303-H, 29312-H.)

INFORMATION FILED: January 25, 1946, Northern District of California, against the Thornton Canning Co., a partnership, Thornton, Calif.

ALLEGED SHIPMENT: Between the approximate dates of September 14, 1944, and February 3, 1945, from the State of California into the States of Louisiana, Ohio, Washington, Rhode Island, and Maryland.

PRODUCT: Tomato puree that was in whole or in part decomposed; tomato paste that had not been sufficiently concentrated; and canned apricots that were packed in sirup defined in the regulations as "Heavy sirup," and not packed, as labeled, in "Extra Heavy Sirup."

LABEL, IN PART: "Valley Belt Tomato Puree * * * Packed For Parrott & Co. San Francisco, California," "Lido Brand Tomato Paste," or "Amocat Brand * * * Apricots In Extra Heavy Sirup Distributed By West Coast Grocery Co. Tacoma, Wash."

NATURE OF CHARGE: Tomato puree. 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.

Tomato paste. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato paste since it contained less than 25 percent of salt-free tomato solids.

Apricots. Misbranding, Section 403 (g) (2), the product failed to conform to the definition and standard of identity for canned apricots since its label failed to bear the name of the optional packing medium present.

DISPOSITION: February 8, 1946. A plea of nolo contendere having been entered, the defendant was fined \$400.