

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: June 22, 1948. The Sweet Life Food Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be utilized in the production of alimentary pastes with tomato sauce, under the supervision of the Food and Drug Administration.

13677. Adulteration and misbranding of tomato puree. U. S. v. 500 Cases
* * * (F. D. C. No. 22181. Sample No. 64826-H.)

LIBEL FILED: January 13, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 1, 1946, by S. M. Schiff, from Bassett, Calif.

PRODUCT: 500 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Maspeth, Long Island, N. Y.

LABEL, IN PART: "Tamco Brand Tomato Puree * * * Packed by Tastemore Canning Co., Baldwin Park Calif."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the standard.

DISPOSITION: June 22, 1948. The Sweet Life Food Corp., Maspeth, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use in the production of alimentary pastes with tomato sauce, under the supervision of the Food and Drug Administration.

13678. Misbranding of tomato puree. U. S. v. 382 Cases * * * (F. D. C. No. 24626. Sample Nos. 6445-K, 6838-K.)

LIBEL FILED: May 6, 1948, Western District of New York.

ALLEGED SHIPMENT: On or about October 2, 1946, by the Califruit Canning Co., from Manteca, Calif.

PRODUCT: 382 cases, each containing 48 cans, of tomato puree at Rochester, N. Y.

LABEL, IN PART: "Valia Brand Tomato Puree Contents 10½ Ounces Avd."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 10½ ounces.)

DISPOSITION: September 22, 1948. The United Wholesale Grocers Co., Rochester, N. Y., 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.

13679. Misbranding of tomato puree. U. S. v. 78 Cases, etc. (F. D. C. No. 24616. Sample Nos. 26785-K, 26786-K.)

LIBEL FILED: April 29, 1948, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about January 9, 1948, by the Uddo & Taormina Co., from Crystal Springs, Miss.

PRODUCT: Tomato puree. 78 cases, each containing 6 No. 10 cans, and 66 cases, each containing 100 4¾-ounce cans, at Little Rock, Ark.

LABEL, IN PART: (Portion) "Baby Brand Tomato Puree Net Contents 4¾ Oz."; (remainder) "Baby Brand Tomatoes Contents 10 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids; and, Section 403 (e) (2), (No. 10 cans) the product failed to bear a label containing an accurate

statement of the quantity of the contents (the cans were labeled "10 Oz.," whereas the average weight was found to be 6 pounds, 7.47 ounces).

DISPOSITION: September 21, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

13680. Adulteration of tomato catsup. U. S. v. 132 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 24450, 24460. Sample Nos. 15035-K, 24075-K.)

LIBELS FILED: February 20 and March 1, 1948, Southern District of Iowa and Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 10 and December 30, 1947, by the Fettig Canning Corp., from Elwood, Ind.

PRODUCT: Tomato catsup. 132 cases at Burlington, Iowa, and 905 cases at Sheboygan, Wis. Each case contained 24 14-ounce bottles.

LABEL, IN PART: "Vine-Ripe Tomato Catsup" or "Schultz's Brand Finest Tomato Catsup."

NATURE OF CHARGE: 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: April 20 and 29, 1948. Default decrees of condemnation and destruction.

13681. Adulteration of tomato catsup. U. S. v. 648 Cases * * *. (F. D. C. No. 24481. Sample No. 25080-K.)

LIBEL FILED: March 13, 1948, District of Minnesota.

ALLEGED SHIPMENT: On or about February 3, 1948, by the Fettig Canning Corp., from Elwood, Ind.

PRODUCT: 648 cases, each containing 24 14-ounce bottles, of tomato catsup at Duluth, Minn.

LABEL, IN PART: "Serv-well Tomato Catsup."

NATURE OF CHARGE: 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: October 6, 1948. Default decree of destruction.

NUTS AND NUT PRODUCTS

13682. Adulteration of brazil nuts. U. S. v. 10 Bags * * *. (F. D. C. No. 23965. Sample No. 2428-K.)

LIBEL FILED: On or about November 13, 1947, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 17, 1947, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: 10 100-pound bags of brazil nuts at Huntington, W. Va.

LABEL, IN PART: "Holly New Crop Large Washed Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and of a decomposed substance by reason of the presence of moldy and rancid nuts; and the product was otherwise unfit for food by reason of the presence of empty nut shells.

DISPOSITION: February 28, 1948. Default decree of condemnation and destruction.

13683. Adulteration of cashew nuts. U. S. v. 5 Cases, etc. (F. D. C. No. 23424. Sample Nos. 71360-H, 71361-H.)

LIBEL FILED: September 2, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about July 29, 1947, by Wm. A. Higgins & Co., from Portland, Oreg.

PRODUCT: 10 cases, each containing 25 pounds, of cashew nuts at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect parts.

DISPOSITION: October 24, 1947. Default decree of condemnation and destruction.