

Wash., alleging that the article had been shipped in interstate commerce within the period from on or about November 8, 1939, to on or about February 29, 1940, by Seiters, Inc., from Post Falls, Idaho; and charging that it was adulterated and that one lot was also misbranded. The article was labeled in part: (Bottle) "Syringa Brand Tomato Catsup * * * Seiters Inc. Post Falls, Idaho," or "Tastewell Tomato Catsup * * * National Retailer-Owned Grocers, Inc. Distributors * * * Chicago"; (neck label) "Tastewell brand All products bearing this label are guaranteed to comply with the pure food laws."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

The Tastewell brand was alleged to be misbranded since it did not comply with the Federal Food, Drug, and Cosmetic Act.

On June 1 and June 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

612. Adulteration of tomato catsup. U. S. v. 287 Cases of Tomato Catsup. Consent decree entered providing for release of product under bond. (F. D. C. No. 1421. Sample No. 81147-D.)

On January 30, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 287 cases of tomato catsup at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about October 4, 1939, by the Lake Erie Canning Co. from Sandusky, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The product was labeled in part: "Pure Gold Catsup of Tomatoes."

On February 21, 1940, the Lake Erie Canning Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond conditioned that it should not be disposed of in violation of the law. The portion of the product which was found to be unfit was segregated and destroyed and the portion which was wholesome was released.

613. Adulteration of tomato catsup. U. S. v. 498 Cases of Tomato Catsup (and 8 other seizure actions against tomato products). Decrees of condemnation. Product in all lots ordered destroyed. Certain lots taken down under bond for salvaging containers. (F. D. C. Nos. 1080, 1223, 1278, 1373, 1444, 1715, 1720, 1778, 1828. Sample Nos. 48254-D, 66775-D, 67098-D, 72034-D, 72035-D, 72122-D, 6431-E, 6450-E, 8091-E, 8097-E.)

Between November 27, 1939, and April 18, 1940, the United States attorneys for the Western District of Oklahoma, Western District of Michigan, District of Kansas, and the District of Minnesota filed libels against 1,831 cases of tomato catsup in various lots at Enid, Oklahoma City, and El Reno, Okla.; 279 cases at Escanaba, Mich.; 240 cases at Topeka, Kans.; and 570 cases at St. Paul, Minn., alleging that the article had been shipped in interstate commerce by the Frazier Packing Corporation. On March 27 and April 18, 1940, the United States attorney for the District of Colorado filed libels against 579 cases of tomato catsup which had been shipped in interstate commerce by the same firm. It was alleged in the libels that the shipments had been made within the period from on or about March 3, 1939, to on or about January 24, 1940, from Elwood, Ind.; and that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part variously: "Frazier's Tomato Catsup * * * Prepared by Frazier Packing Corp. Elwood Indiana"; "White Birch Brand Catsup * * * Carpenter Cook Co., Menominee, Mich."; "Brimful Brand Tomato Catsup * * * H. A. Marr Grocery Co., Distributors"; "Tee Pee Brand Catsup * * * Packed for The Theo. Poehler Merc. Co., Lawrence * * * Kansas"; "Blue Rock Brand Tomato Catsup Distributed by Northern Jobbing Company St. Paul Minn."; "Dreher's Tomato Catsup * * * Packed for the Dreher Pickle Co., Fort Collins, Colo."; "YB Brand Fancy Tomato Catsup * * * Packed for Yoelin Bros. Merc. Co. Denver Colo."

The Frazier Packing Corporation entered its appearance in the actions instituted in the Western District of Oklahoma and the District of Kansas and admitted the allegations of the libels filed in said districts. On March 8, 1940, judgment of condemnation was entered in the Western District of Oklahoma, and it was ordered that the product be released to the claimant conditioned that the catsup be destroyed and the containers salvaged. On October 5, 1940, judgment was entered as of March 7, 1940, forfeiting the goods seized in the District of Kansas and ordering their release under bond for similar disposition. Between February 8 and May 3, 1940, no claimant having appeared in the remaining actions, judgments of condemnation were entered and the product was ordered destroyed.