

from on or about November 9, 1939, to on or about January 23, 1940, by the Riverbank Canning Co. from Riverbank, Calif.; and that it was adulterated. The article was labeled in part variously: "Madonna Brand Tomato Paste Packed by Riverbank Canning Company"; "Campagnola Brand Tomato Paste \* \* \* Packed by Harbor City Canning Company, Los Angeles, California"; "Minervini Brand Pure Tomato Paste \* \* \* Packed for John Minervini, Hoboken, N. J."; "Fancy Del Bueno Brand Pure Tomato Paste \* \* \* Distributors P. Astarbi and Co., Inc."; "Bafadera Brand Tomato Paste \* \* \* Packed in California for G. Cuccia & Sons Incorporated, New York"; "Premier Tomato Paste Francis H. Leggett & Co., Distributors New York"; or "Appetit Brand Tomato Paste Distributors J. Ossola Co. New York."

Adulteration was alleged with respect to portions of the article in that it consisted in whole or in part of a decomposed substance. Adulteration was alleged with respect to the remainder in that it consisted in whole or in part of a filthy substance.

On February 2, February 20, March 9, and June 28, 1940, the Riverbank Canning Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered that the product be released under bond conditioned that any portions which were fit for human consumption be segregated from the unfit portion and that the latter be destroyed.

**637. Adulteration of tomato paste. U. S. v. 299 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1678. Sample No. 72956-D.)**

This product was found to contain worm and insect fragments and excessive mold, indicating the presence of decomposed material.

On March 22, 1940, the United States attorney for the District of Massachusetts filed a libel against 299 cases, each containing 100 cans, of tomato paste at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about January 24, 1940, by the Turlock Cooperative Growers from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Firenze Product of California Tomato Paste."

On March 22, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

**638. Adulteration of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1176. Sample No. 72930-D.)**

This product was found to contain worm and insect fragments.

On December 12, 1939, the United States attorney for the District of Arizona filed a libel against 10 cases, each containing 6 cans, of tomato paste at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about November 30, 1939, by the Pacific Pool Car Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Madonna Fancy Pure Tomato Paste \* \* \* Packed by Riverbank Canning Company, Riverbank, Calif."

On April 24, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

**639. Adulteration and misbranding of tomato paste and adulteration of canned tomatoes with sauce. U. S. v. 697 Cases of Tomato Paste (and 2 other seizure actions against tomato products). Consent decrees of condemnation. Products released under bond for segregation and destruction of portions unfit for human consumption. (F. D. C. Nos. 1358, 1481, 1482, 1515. Sample Nos. 56456-D, 72953-D, 72955-D, 73379-D, 73380-D, 92003-D to 92007-D, incl.)**

Samples taken from two of the lots of tomato paste were found to contain worm and insect fragments. Samples taken from the remaining lots of tomato paste and the lot of canned tomatoes were found to contain excessive mold, indicating the presence of decomposition. One lot of tomato paste was short weight.

On January 16, February 13, and February 23, 1940, the United States attorneys for the Eastern and the Southern Districts of New York filed libels against 1,464 cases of tomato paste at Brooklyn, N. Y.; and 496 cases of tomato paste and 48 cases of canned tomatoes at New York, N. Y. It was alleged in the libel filed in the Southern District of New York and in the libel filed on February 23, 1940, in the Eastern District of New York, that the articles covered by the said libels