

had been shipped by Flotill Products, Inc., in the former instance on or about November 9, 1939, from San Francisco, Calif., and in the latter instance on or about January 22, 1940, from Stockton, Calif. The product covered by the libel filed on January 16, 1940, in the Eastern District of New York was shipped by Flotill Products, Inc., on or about November 30, 1939. Portions of the tomato paste were labeled in part: "Flotta Brand Pure Tomato Paste [or "Sublime Flotta Brand"] * * * Packed by Flotill Products, Inc., Stockton Calif." The remainder of the tomato paste was labeled in part: "Gina [or "Moosalina" or "Cobo"] Brand * * * Tomato Paste * * * Packed in California for Moosalina Product Corp. Brooklyn, N. Y." The canned tomatoes were labeled in part: "F. P. I. Brand Choice Peeled Tomatoes with Sauce * * * Packed by Flotill Products Inc., Stockton, Calif."

Certain lots of the tomato paste and the lot of canned tomatoes were alleged to be adulterated in that they consisted wholly or in part of decomposed substances. The remaining lots of the tomato paste were alleged to be adulterated in that they consisted wholly or in part of filthy substances.

Misbranding was alleged with respect to one lot of the Flotta brand tomato paste in that the statement on the label, "Net Weight 7 Lbs.," was false and misleading, and in that the article was in package form and did not bear an accurate statement of the quantity of contents.

On February 28 and March 28, 1940, Flotill Products, Inc., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered, and the products were ordered released under bond conditioned that they be segregated according to code numbers and reexamined and that all portions found to be unfit for human consumption be destroyed.

640. Adulteration of canned tomatoes and tomato paste. U. S. v. 99 Cases of Canned Tomatoes and 74 and 25 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 1591, 1693, 1694. Sample Nos. 56488-D, 92356-D.)

The canned tomatoes contained excessive mold, indicating the presence of decomposition; and the tomato paste contained worm and insect fragments.

On March 8 and 23, 1940, the United States attorneys for the District of Maine and the Eastern District of Virginia filed libels against 99 cases of canned tomatoes at Portland, Maine, and 99 cases of tomato paste at Norfolk, Va., alleging that the articles had been shipped in interstate commerce on or about January 20 and February 8, 1940, by the Howard Terminal from Oakland, Calif.; and charging that they were adulterated. The articles were labeled in part: "F. P. I. Brand Choice Peeled Tomatoes * * * Packed by Flotill Products Inc. Stockton Calif."; or "Firenze * * * Tomato Paste * * * Packed by Turlock Cooperative Growers San Francisco, Calif."

The canned tomatoes were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance. The tomato paste was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On March 26 and April 22, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

641. Adulteration of tomato paste, canned tomatoes, and tomato catsup; and adulteration and misbranding of tomato sauce. U. S. v. 273 Cases of Tomato Paste, 99 Cases of Tomato Sauce, 197 Cases of Canned Tomatoes, and 148 Cases of Tomato Catsup. Decrees of condemnation. Tomato paste released under bond for segregation and destruction of unfit portion. Remaining products ordered destroyed. (F. D. C. Nos. 1162, 1262, 1690, 1767. Sample Nos. 56444-D, 56459-D, 92057-D, 12708-E.)

The tomato sauce, the added packing medium of the canned tomatoes, and a part of the tomato paste contained excessive mold, indicating the presence of decomposed material. The tomato catsup contained excessive mold, and fragments of insect larvae and other filth resulting from insect infestation. The tomato sauce was also short of the declared weight.

On December 15, 1939, and January 3, March 25, and April 5, 1940, the United States attorneys for the Northern and Southern Districts of New York, the District of Rhode Island, and the Eastern District of Pennsylvania filed libels against 273 cases of tomato paste at Albany, N. Y.; 99 cases of tomato sauce at New York, N. Y.; 197 cases of canned tomatoes at Providence, R. I.; and 148 cases of tomato catsup at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce within the period from on or about November 16, 1939, to on or about March 8, 1940, by Port of Stockton from Stockton, Calif.; and charging that they were adulterated and that the tomato sauce was also misbranded. The articles were labeled in part: "Flotta

Brand Pure Tomato Paste * * * Packed by Flotill Products Inc."; "Dellford Brand * * * Tomato Sauce, * * * Middendorf & Rohrs Distributors, New York"; "Real Red Brand Tomatoes with added strained residual tomato material * * * Stockton Food Products Inc., Stockton, Calif."; "Racquet Brand Tomato Catsup * * * Harcourt, Greene Co., Distributors. San Francisco, Calif."

The canned tomatoes, the tomato sauce, and the tomato paste were alleged to be adulterated in that they consisted in whole or in part of decomposed substances. The tomato catsup was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

The tomato sauce was alleged to be misbranded in that the statement on the label, "Contents 8 oz.," was false and misleading; and in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On February 6, 1940, Flotill Products, Inc., Stockton, Calif., claimant for the product seized in the Northern District of New York, i. e., the tomato paste, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the unfit portion be segregated from the good portion and destroyed. On January 23, April 19, and May 23, 1940, no claimant having appeared for the remaining products, judgments of condemnation were entered and the products were ordered destroyed.

642. Adulteration of tomato puree. U. S. v. Charles J. Clamme, Sr., and Albert Clamme (Clamme Canning Co.). Pleas of guilty. Fines, \$10. (F. D. C. No. 937. Sample No. 79609-D.)

Examination showed that this product contained excessive mold.

On February 21, 1940, the United States attorney for the Northern District of Indiana filed an information against Charles J. Clamme, Sr., and Albert Clamme, trading as the Clamme Canning Co. at Hartford City, Ind., alleging shipment in interstate commerce on or about October 11, 1939, from Hartford City, Ind., into the State of Illinois of a quantity of puree of tomatoes that was adulterated. The article was labeled in part: "Richelieu Brand Puree of Tomatoes Distributed by Sprague, Warner & Company, Chicago, Ill."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance, namely, puree of tomatoes containing excessive mold.

On April 24, 1940, the defendants entered pleas of guilty and the court imposed fines totaling \$10.

Nos. 643-646, inclusive, report the seizure and disposition of tomato puree that contained excessive mold, indicating the presence of decomposed material.

643. Adulteration of tomato puree. U. S. v. 48 Cases and 149 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 1781, 1848. Sample Nos. 13119-E, 13121-E.)

On or about April 12 and 23, 1940, the United States attorney for the Eastern District of Washington filed libels against 48 cases and 149 cases, respectively, of tomato puree at Spokane, Wash., alleging that the article had been shipped in interstate commerce from Ogden, Utah, in part on or about October 10 and November 28, 1939, by the Royal Canning Corporation, and in part on or about January 26, 1940, by H. D. Olson; and charging that it was adulterated. The product was labeled in part: "Little Boy Blue Brand Puree * * * Royal Canning Corp., Ogden, Utah"; and "Falls Brand Whole Tomato Puree. Packed for Roundup Grocery Company, Spokane, Washington."

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

On June 1, 1940, no claimant having appeared, decrees of condemnation were entered and it was ordered that the product be destroyed.

644. Adulteration of tomato puree. U. S. v. 49 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1754. Sample No. 13123-E.)

On about April 6, 1940, the United States attorney for the Eastern District of Washington filed a libel against 49 cases of tomato puree at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about January 26, 1940, by H. D. Olson from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The product was labeled in part: "Roundup Brand * * * Packed for Roundup Grocery Co., Spokane, Wash."