labeled in part: "Silverton Brand Tomatoes Packed by Silverton Canning Company, Silverton, Oregon." The product had been shipped originally by the Silverton Canning Co. to the Quartermaster Depot, Seattle, Wash., had been rejected, and was hauled away by truck of the original shipper.

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 2, 1941, Silverton Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

1778. Misbranding of canned tomatoes. U. S. v. 17 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. D. C. No. 2546. Sample No. 9793–E.)

This product was substandard in quality because of poor color and was not labeled to indicate that it was substandard.

On or about August 24, 1940, the United States attorney for the Western District of Louisiana filed a libel against 17 cases of canned tomatoes at Providence, La., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by the P. P. Williams Co. from Vicksburg, Miss.; and charging that it was misbranded. The article was labeled in part: "Baby Brand Tomatoes * * * Packed by Uddo Taormina Corp. Crystal Springs, Miss."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because of poor color and its label did not bear in such manner and form as the regulations prescribe, a statement that it fell below such standard.

On October 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to a charitable institution.

1779. Adulteration of tomato catsup and tomato puree. U. S. v. 3 Cases of Tomato Catsup and 147 and 22 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 4058. Sample Nos. 44642–E, 44645–E, 44646–E.)

This product contained excessive mold, indicating the presence of decomposed material.

On March 31, 1941, the United States attorney for the District of Colorado filed a libel against 3 cases of tomato catsup and 169 cases of tomato puree at Denver, Colo., which had been consigned by the Pringle Brokerage Co. from Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about November 12, 1940, and January 20, 1941; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Gateway Brand Tomato Catsup [or "Puree"]."

On May 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1780. Adulteration and misbranding of tomato catsup. U. S. v. 18 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 3381. Sample No. 6764–E.)

This product contained excessive mold, indicating the presence of decomposed material. It also had been made from residual tomato material from canning and from partial extraction of juice, which fact was not stated on the label.

On November 18, 1940, the United States attorney for the District of Idaho filed a libel against 18 cases of tomato catsup at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about September 23, 1940, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Golden 'Q' Brand Extra Standard Tomato Catsup, Made From Whole Tomatoes and Residue From Tomatoes."

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