

2025. Adulteration of tomato catsup. U. S. v. 16 Cases of Tomato Catsup. Consent decree of condemnation and destruction. (F. D. C. No. 5302. Sample No. 44960-E.)

On August 19, 1941, the United States attorney for the District of Wyoming filed a libel against 16 cases, each containing 6 No. 10 cans, of tomato catsup at Laramie, Wyo., alleging that the article had been shipped in interstate commerce on or about April 18, 1941, by Pacific Fruit & Produce Co., Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, namely, decomposed material. The article was labeled in part: "Nation's Garden Brand Tomato Catsup."

On October 27, 1941, Pacific Fruit & Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

2026. Adulteration of tomato catsup. U. S. v. 12 Cases, 12 Cases, 26 Cases, and 22 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 4781, 4813. Sample Nos. 56638-E, 56639-E, 56655-E, 56656-E.)

On or about May 17 and 27, 1941, the United States attorney for the District of Connecticut filed libels against 48 cases each containing 24 bottles of tomato catsup at New Britain, Conn., and 24 cases each containing 24 bottles of the same product at Hartford, Conn., alleging that the article had been shipped within the period from on or about October 8, 1940, to on or about April 28, 1941, by the Red Wing Co., Inc., from Fredonia, N. Y.; 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: (Bottles) "Red Wing Pure Tomato Catsup 14 Ozs. [or "8 Ozs."] Avd. Net"; or "Mascot Brand Tomato Catsup Net Weight 14 Ounces [or "8 Ounces"] The Loomis & Willson Co. Distributors Hartford, Conn."

On September 23, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2027. Adulteration and misbranding of tomato catsup. U. S. v. 100 Cases and 50 Cases of Tomato Catsup. Product ordered released under bond for relabeling. (F. D. C. Nos. 518, 519. Sample Nos. 40850-D, 40851-D.)

Examination of this product showed that it contained added starch and that the bottles contained less than the amount declared on the label.

On September 6, 1939, the United States attorney for the District of New Mexico filed libels against 100 cases of tomato catsup at Las Vegas, N. Mex., and 50 cases of tomato catsup at Santa Rosa, N. Mex., alleging that the article had been shipped in interstate commerce on or about July 25, 1939, by the Ellis Canning Co. from Denver, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: "Delicious Tomato Catsup Contents 14 Oz. Avd. Distributed By The Meyer Brokerage Co. Denver U. S. A."

The article was alleged to be adulterated in that catsup containing starch had been substituted wholly or in part therefor.

It was alleged to be misbranded in that the name "Tomato Catsup" was false and misleading as applied to an article containing added starch. It was alleged to be misbranded further in that the statement "Contents 14 Oz. Avd." was false and misleading since it was not correct; and in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On November 9, 1939, the Ellis Canning Co. having appeared as claimant, judgments were entered ordering that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

2028. Adulteration of tomato paste. U. S. v. 50 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 4720-a. Sample No. 22535-E.)

This product contained worm and insect fragments.

On May 19, 1941, the United States attorney for the Eastern District of New York filed a libel against 50 cases of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 28, 1941, by the Hollister Canning Co., Hollister, Calif., from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "San Benito Brand Naples Style Tomato Paste with Sweet Basil."

On August 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.