

2029. Adulteration and misbranding of tomato paste. U. S. v. 585 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 4760. Sample No. 22437-E.)

This product was found to contain worm and insect fragments. It also failed to conform to the standard of identity for tomato paste, prescribed by regulations as provided by the Federal Food, Drug, and Cosmetic Act.

On May 14, 1941, the United States attorney for the Southern District of New York filed a libel suit against 585 cases, each containing 100 cans, of tomato paste at New York, N. Y., alleging that the article had been shipped on or about March 6, 1941, by A. M. Beebe Co., Inc., from San Francisco, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "San Benito Brand Naples Style Tomato Paste Contents 6 Oz. Avoir. Packed by Hollister Canning Co., Inc. Hollister * * * California."

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

It was alleged to be misbranded in that it purported to be tomato paste, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard since it contained less than 25 percent of salt-free solids.

On September 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2030 to 2048, with the exception of 2033, 2040, and 2042, report the seizure and disposition of tomato products that contained excessive mold, indicating the presence of decomposed material.

2030. Adulteration of tomato paste. U. S. v. 92 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 2046. Sample Nos. 13146-E, 13851-E.)

On June 3, 1940, the United States attorney for the Eastern District of Washington filed a libel against 92 cases of tomato paste at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about February 16, 1940, from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article had been sold to the shipper by the Manteca Canning Co., Manteca, Calif., under a guaranty that it was not adulterated in violation of the Federal Food, Drug, and Cosmetic Act. It was labeled in part: "Mattina Brand Tomato Paste * * * Packed by Manteca Canning Co., Manteca Calif."

On July 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2031. Adulteration of tomato paste. U. S. v. 17 Cases and 26 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 4743, 4804. Sample Nos. 50695-E, 59301-E.)

On May 13 and 20, 1941, the United States attorneys for the Northern and the Southern Districts of West Virginia filed libels against 17 cases, each containing 100 cans, of tomato paste at Grafton, W. Va., and 26 cases, each containing 100 cans, of the same product at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about August 15, 1940, and March 31, 1941, by H. J. McGrath Co. from Baltimore, Md.; 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) "Net Weight 6 Ounces Avd. * * * Champion Brand."

On June 3 and 9, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2032. Adulteration of tomato paste. U. S. v. 104 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3990. Sample No. 56221-E.)

On March 17, 1941, the United States attorney for the Eastern District of New York filed a libel against 104 cases, each containing 100 cans, of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped on or about March 4, 1940, from Naples, Italy, by Spinelli & G. Schiavo; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Net Contents 6½ Ozs. Choice Quality Cyrilla Brand Italian Tomato Paste with Basil."

On May 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.