

2747. Adulteration and misbranding of tomato puree. U. S. v. Uddo Taormina Corporation and Rosario Raspanti. Plea of guilty. Fine, \$1,200. (F. D. C. No. 4125. Sample Nos. 35350-E to 35353-E, incl., 35617-E.)

This product was deficient in tomato solids. Portions contained added color and portions contained excessive mold, indicating the presence of decomposed material.

On August 26, 1941, the United States attorney for the Southern District of Mississippi filed an information against Uddo Taormina Corporation, Crystal Springs, Miss., and Rosario Raspanti, alleging shipment on or about August 13, 18, and 21, 1940, from the State of Mississippi into the States of Alabama and Louisiana of quantities of tomato puree which was adulterated and misbranded. It was labeled in part: "Baby Brand Tomato Puree." A portion bore the statement "color added" on the label.

Portions of the article were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance. The portion labeled "color added" was alleged to be adulterated in that it was represented on its label to be tomato puree, and was inferior to tomato puree, and its inferiority to tomato puree had been concealed by the addition of artificial color; and in that color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

All lots of the article were alleged to be misbranded in that it purported to be or was represented as tomato puree, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and contained less than 8.37 percent of salt-free tomato solids, and portions contained added color; whereas the regulations prescribe that tomato puree shall contain not less than 8.37 percent of salt-free tomato solids, and do not name color as an optional ingredient in tomato puree.

On November 4, 1941, a plea of guilty was entered on behalf of the defendants and the court imposed a fine of \$1,200.

2748. Adulteration of tomato puree. U. S. v. 99 Cases, 63 Cases, and 31 Cases of Tomato Puree. Default decrees of destruction. (F. D. C. Nos. 5236, 6345. Sample Nos. 29495-E, 79044-E, 79045-E.)

On July 29 and December 2, 1941, the United States attorneys for the Southern District of Ohio and the Eastern District of Kentucky filed libels against 99 cases each containing 24 No. 2 cans of tomato puree at Columbus, Ohio, and 63 cases each containing 48 cans, and 31 cases each containing 6 No. 10 cans, of tomato puree at Covington, Ky., alleging that the article had been shipped on or about April 18 and September 27, 1941, by Butterfield Canning Co. from Muncie, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Indiano Brand Tomato Puree [or "Puree of Tomatoes Contents 6 Lbs. 8 Ozs."]
* * * Packed By Butterfield Canning Co."; or "Dixie Tomato Puree Net Weight 10½ Oz. Distributed by Dixie Wholesale Grocery Incorporated Covington, Ky."

On October 29 and December 24, 1941, no claimant having appeared, judgments were entered ordering that the product be destroyed.

2749. Adulteration of tomato puree. U. S. v. 79 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 5779. Sample No. 38987-E.)

On September 18, 1941, the United States attorney for the District of Minnesota filed a libel against 79 cases of tomato puree at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about August 16, 1941, by J. Leroy Farmer from West Liberty, Iowa; and charging that it was adulterated in that it consisted wholly or in part of decomposed substances. The article was labeled in part: (Cans) "Liberty Brand Tomato Puree."

On March 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2750. Adulteration of canned tomatoes and canned tomato sauce. U. S. v. Santa Anita Food Corporation. Plea of guilty. Fines, \$100 each on counts I and II; sentence suspended on count III. (F. D. C. No. 5478. Sample Nos. 7092-E, 32885-E, 32887-E.)

These canned tomatoes contained excessive mold indicating the presence of decomposed material, and the tomato sauce contained worm and insect larvae fragments.

On December 21, 1941, the United States attorney for the Southern District of