product had in fact been picked up by a trucking firm at the plant of W. T. Onley Canning Co. at Snow Hill, Md., which firm delivered it for shipment in interstate commerce. The article was labeled in part: (Cans) "Onley Brand Tomatoes Contents 6 Lbs. 6 Ozs."

On August 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3116. Adulteration of canned tomatoes. U. S. v. 98 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 6674. Sample No. 21619–E.)

This product was tomatoes with puree. The added puree was made from decomposed material, as evidenced by the presence of mold.

On January 8, 1942, the United States attorney for the Eastern District of New York filed a libel against 98 cases of canned tomatoes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on November 27, 1941, by the Manteca Canning Co. from Manteca, Calif.; 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: (Can) "Clara Brand Peeled Tomatoes With Puree * * * Packed in California for Sansone Food Products Co., Brooklyn, N. Y."

On February 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3117. Misbranding of canned tomatoes. U. S. v. 711 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6833. Sample No. 64492–E.)

Examination showed that this product contained excessive peel.

On February 6, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 711 cases of canned tomatoes at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about October 22, 1941, by H. P. Tull & Co. from Kingston, Md.; and charging that it was misbranded. It was labeled in part: "King of the Field Brand Tomatoes Contents 1 Lb. 3 Oz."

The article 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 peel per pound of canned tomatoes in the containers covered an area of more than 1 square inch, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 24, 1942, H. P. Tull & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

3118. Adulteration of tomato catsup. U. S. v. 22 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 6632. Sample No. 85581–E.)

This product contained worm fragments.

On January 3, 1942, the United States attorney for the Western District of Washington filed a libel against 22 cases of tomato catsup at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 6, 1941, by the Knight Packing Co. from Portland, Oreg.; 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: (Bottle) "Knight's Rogue River Tomato Catsup."

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3119 to 3148 (except **3125**) report actions based on interstate shipments of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

3119. Adulteration of tomato catsup and tomato puree. U. S. v. The Lake Erie Canning Co. Plea of nolo contendere. Fine, $100 and costs. (F. D. C. No. 5511. Sample Nos. 19380–E, 46779–E, 56507–E, 56508–E, 56510–E, 56522–E, 56582–E, 56583–E.)

On November 17, 1941, the United States attorney for the Northern District of Ohio filed an information against the Lake Erie Canning Co., a corporation, Sandusky, Ohio, alleging shipment within the period from on or about October 3, 1940, to February 11, 1941, from the State of Ohio into the States of Penn-