

3146. Adulteration of tomato paste. U. S. v. 34 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3910. Sample No. 33020-E.)

On March 3, 1941, the United States attorney for the Eastern District of New York filed a libel against 34 cases of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped on or about April 28, 1940, by Soc. Au. Rinaldi from Naples, Italy; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Natural Tomato Paste With Basil Leaf—G. Rinaldi Tomato Star Brand."

On May 21, 1942, Rinaldi Bros. & Co., claimant, having failed to answer the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

3147. Adulteration of tomato paste. U. S. v. 41 Cases of Tomato Paste (and 2 other seizure actions against tomato paste). Default decrees of condemnation and destruction. (F. D. C. Nos. 6631, 6775, 6890. Sample Nos. 53663-E, 74475-E, 74476-E, 84087-E.)

On December 31, 1941, and January 29 and February 19, 1942, the United States attorney for the Eastern District of New York filed libels against 90 cases and 133 cartons of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about October 23, 1941, to on or about January 5, 1942, by Uddo Taormina Corporation from Wilmington and Buena Park, 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: (Cans) "Flag Brand Tomato Paste"; "Pinocchio Brand Italian Style Tomato Paste with sweet basil Distributed By A. M. S. Packing Company, Brooklyn, N. Y."; or "Progresso Brand * * * Packed For La Sierra Heights Canning Co., Inc. Buena Park, California Tomato Paste with Basil."

On February 6 and March 20 and 24, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3148. Adulteration of tomato sauce. U. S. v. 199 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 6257. Sample No. 23527-E.)

On November 19, 1941, the United States attorney for the Southern District of Texas filed a libel against 199 cases of tomato sauce at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about November 6, 1941, by the Independent Grocers Alliance Distributors, Inc., from San Francisco, Calif.; 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) "Val Vita Brand Spanish Style Tomato Sauce * * * Packed By Val Vita Food Products, Inc. Fullerton California."

On March 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OTHER FRUIT AND VEGETABLE PRODUCTS

3149. Adulteration and misbranding of jams, jellies, and preserves. U. S. v. 75 Cases of Jelly (and 6 other seizure actions against jams, jellies, and preserves). Default decrees of condemnation. Portion of products ordered delivered to charitable institutions; remainder ordered destroyed. (F. D. C. Nos. 4091, 4553, 6232, 6233, 6376, 6757, 6836, 6893. Sample Nos. 29761-E, 43175-E, 46962-E, 46963-E, 51895-E, 87362-E, 87364-E, 89301-E, 89305-E.)

Examination showed that these products failed to meet the requirements for jams, jellies, and preserves set forth in the definition and standard of identity for jams, jellies, and preserves prescribed by regulations as provided by the Food, Drug, and Cosmetic Act.

Between March 29, 1941, and February 21, 1942, the United States attorneys for the Western District of Oklahoma, Eastern District of Kentucky, Southern and Eastern Districts of New York, District of Massachusetts, and the Eastern District of Virginia filed libels against the following products: 75 cases each containing 6 cans of jelly at Oklahoma City, Okla.; 200 cases each containing 6 cans of jam at Fort Thomas, Ky.; 7 cases each containing 24 jars of jelly and 5 cases each containing 24 jars and 4 cases each containing 12 jars of preserves at New York, N. Y., and 10 cases each containing 6 jars of preserves and 23 30-pound pails of jam at Brooklyn, N. Y.; 27 cases each containing 12 jars of preserves at Boston, Mass.; and 35 cases each containing 24 jars of preserves at Norfolk, Va., alleging that the articles had been shipped in interstate commerce