

4198. Adulteration of tomato juice. U. S. v. Holley Canning Co. Plea of guilty. Fine, \$150. (F. D. C. No. 7270. Sample No. 75794-E.)

On July 13, 1942, the United States attorney for the Western District of New York filed an information against the Holley Canning Co., a corporation, Holley, N. Y., alleging shipment on or about October 22, 1941, from the State of New York into the State of Massachusetts of a quantity of tomato juice that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part "Armour's Star * * * Tomato Juice * * * Armour and Company—Distributors."

On October 20, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

4199. Adulteration of tomato paste. U. S. v. Helen Packing Corporation. Plea of guilty. Fine, \$500, \$250 of which was suspended. (F. D. C. No. 4184. Sample Nos. 19965-E, 19969-E.)

On September 29, 1941, the United States attorney for the Western District of New York filed an information against the Helen Packing Corporation, North Collins, N. Y., alleging shipment within the period from on or about September 16 to on or about October 2, 1940, from the State of New York into the State of Pennsylvania of quantities of tomato paste which was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Ital-Ama Italian Brand American Tomato Paste."

On October 19, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$250 on each of the two counts of the information but suspended payment of the fine on the second count.

4200. Adulteration of tomato paste. U. S. v. 269 Cases, 89 Cases and 23 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 7557, 7558, 7559. Sample Nos. 95057-E, 95066-E, 95067-E.)

On May 25, 1942, the United States attorney for the Western District of Pennsylvania filed libels against a total of 381 cases, each containing 100 cans, of tomato paste in various amounts at McKeesport and Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 8, 1942, by the G. R. Barth Co. 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) "Firenze * * * Tomato Paste * * * Packed by Turlock Co-Operative Growers San Francisco, Calif."

On August 6, 1942, the Packing Products Co., New York, N. Y., having intervened and petitioned leave to segregate the product into codes and take representative samples from each code, the court granted the intervenor's petition and ordered that the Food and Drug Administration be permitted to take similar samples. On December 19, 1942, no answer having been filed by the intervenor, judgments of condemnation were entered and the product was ordered destroyed.

4201. Adulteration of tomato puree. U. S. v. 1,036 Cases and 1,383 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 6344, 6607. Sample Nos. 73463-E, 73487-E.)

On December 3, 1941, and January 22, 1942, the United States attorney for the Eastern District of Oklahoma filed libels against 2,419 cases, each containing 6 No. 10 unlabeled cans, of tomato puree at Muskogee, Okla., alleging that the article had been shipped in interstate commerce on or about October 1 and November 3, 1941, by J. LeRoy Farmer Canning Co. from West Liberty, Iowa; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. On January 22, 1942, one of the libels which covered 1,036 cases of the product was amended to cover 392 cases only.

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

4202. Adulteration of tomato puree. U. S. v. 1,000 Cans and 405 Cans of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 8295, 8296. Sample Nos. 19303-F, 19305-F.)

This product was undergoing progressive spoilage.

On August 31, 1942, the United States attorney for the District of Maine filed libels against 1,000 5-gallon cans of tomato puree at South West Harbor, Me., and 405 5-gallon cans of tomato puree at Prospect Harbor, Me., alleging that the article had been shipped in interstate commerce on or about July 3 and 6, 1942, by Otto W. Cuyler from Farmingdale, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

DRIED FRUITS

Nos. 4203 to 4211 report legal actions involving dried fruit found to contain insects or filth resulting from insect infestation.

4203. Adulteration of pitted dates. U. S. v. 18 Lugs of Pitted Dates. Default decree of condemnation and destruction. (F. D. C. No. 8032. Sample No. 28113-F.)

On or about August 7, 1942, the United States attorney for the Southern District of Florida filed a libel against 18 lugs, each containing 30 pounds, of pitted dates at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about June 8, 1942, by California Prune & Apricot Growers Association, from San Jose, 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: "Deglet Noor Hand Pitted Pieces Pitted Caladate Garden of the Setting Sun Mecca, California."

On September 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4204. Adulteration of loganberries. U. S. v. 25 Cartons of Loganberries. Default decree of condemnation and destruction. (F. D. C. No. 8246. Sample No. 14013-F.)

On August 25, 1942, the United States attorney for the Southern District of California filed a libel against 25 cartons, each containing 25 pounds, of evaporated loganberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 12, 1939, by the Washington Packers, Inc., from Sumner, Wash.; 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: "Dewkist Evaporated Loganberries."

On September 17, 1942, no claimant having appeared, judgment of condemnation was entered and the product ordered destroyed.

4205. Adulteration of dried prunes. U. S. v. California Packing Corporation. Plea of nolo contendere. Fine \$50. (F. D. C. No. 2947. Sample No. 21353-E.)

On March 14, 1941, the United States attorney for the Northern District of California filed an information against the California Packing Corporation at San Francisco, Calif., alleging delivery at Alameda, Calif., on or about September 17, 1940, for introduction into interstate commerce, from the State of California into the State of Washington of a quantity of prunes that were adulterated in that they consisted in whole or in part of filthy substances.

On October 10, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50.

4206. Adulteration of dried prunes. U. S. v. 22 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 8016. Sample No. 9642-F.)

On July 31, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 22 cases, each containing 25 pounds, of dried prunes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 13, 1941, by Abinante & Nola Packing Co. from San Jose, 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: "Dubon Brand Santa Clara Prunes * * * Packed For Fraering Brokerage Co., Inc., New Orleans."

On September 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4207. Adulteration of raisins. U. S. v. 27 Cases of Raisins. Default decree of condemnation. Product ordered delivered to county institution for use as hog feed. (F. D. C. No. 8003. Sample No. 24208-F.)

On July 30, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 27 cases, each case containing 48 cartons, of raisins at Welch, W. Va., alleging that the article had been shipped in interstate commerce on or about February 3, 1942, by the California Prune & Apricot Growers Association from San Jose, 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: (Cartons) "Golden Glow * * * California Seedless Raisins."

On October 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a county institution for use as hog feed.