

substance. The article was labeled in part: (Cans) "Red Gold Brand Indiana Tomato Puree."

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

4437. Adulteration of tomato puree. U. S. v. 225 Cans of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8650. Sample No. 17571-F.)

A portion of this product was fermenting and decomposed.

On October 28, 1942, the United States attorney for the Southern District of New York filed a libel against 225 unlabeled cans, each can containing 5 gallons, of tomato puree at Mamaroneck, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1942, by the Farmingdale Packing Corporation, from Farmingdale, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 4, 1942, the Pure Food Factory "Hansa," a corporation of Mamaroneck, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion and destruction of that portion which was unfit, under the supervision of the Food and Drug Administration.

4438. Adulteration and misbranding of tomato paste. U. S. v. 596 Cases of Tomato Paste (and 4 other seizure actions against tomato paste). Decrees of condemnation. Portion of product ordered destroyed, remainder ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 6629, 7451, 7560, 7582. Sample Nos. 53662-E, 80194-E, 80195-E, 83907-E, 83943-E, 83944-E, 83946-E.)

Between December 29, 1941, and May 29, 1942, the United States attorneys for the Eastern District of Louisiana, Eastern District of New York, Southern District of Texas, and Northern District of Ohio filed libels against 596 cases of tomato paste at New Orleans, La., 56 cases of tomato paste at Brooklyn, N. Y., 12 cases at Houston, Tex., and 75 cases at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 12 and 17, 1941, in part from Buena Park, Calif., into the States of Louisiana, New York, and Ohio, and in part on or about March 31, 1942, from New Orleans, La., into the State of Texas by Uddo Taormina Corporation; and charging that all lots were adulterated and that 1 lot was also misbranded. The article was labeled in part: "Giardiniera * * * Fancy California Tomato Paste * * * Packed for La Sierra Heights Canning Co., Inc., Buena Park, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. One lot was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and did not conform to such definition and standard since it contained less than 24 percent of salt-free tomato solids.

On June 8, 1942, the Uddo Taormina Corporation, claimant for the 596 cases seized at New Orleans, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed. On July 17, August 14, and December 5, 1942, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

4439. Adulteration of tomato catsup. U. S. v. 49 Cans of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 8439. Sample Nos. 6025-F, 6029-F.)

On September 28, 1942, the United States attorney for the Western District of Tennessee filed a libel against 49 cans of tomato catsup at Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about May 26 to on or about June 12, 1942, by Chef Boy-Ar-Dee Quality Foods, Inc., from Milton, Pa.; 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) "U.S.A. Tomato Catsup."

On October 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS AND VEGETABLES

Nos. 4440 to 4449 report actions on dried fruits and vegetables found to be contaminated with one or more kinds of filth, such as rodent excreta, rodent hairs, insects, insect fragments, insect excreta, worms, etc.

4440. Adulteration of dried apricots. U. S. v. Meridian Ltd., (El Solyo Ranch). Plea of guilty. Fine \$600. (F. D. C. No. 7213. Sample Nos. 12923-E, 12924-E.)

On June 1, 1942, the United States attorney for the Northern District of California filed an information against Meridian Ltd., doing business as the El Solyo Ranch, a corporation, Vernalis, Calif., alleging shipment on or about August 13, 1942, from the State of California into the State of New York of quantities of dried apricots that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared, packed, or held under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Westan Brand Full Ripe Apricots [or "Westan Orchard Run Northern Apricots"] packed by West Stansilaus Whse Vernalis, Calif."

On December 30, 1942, a plea of guilty having been entered on behalf of the defendant the court imposed a fine of \$600.

4441. Adulteration of evaporated apples. U. S. v. 491 Boxes of Evaporated Apples. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 8281. Sample Nos. 1811-F, 1818-F.)

On September 1, 1942, the United States attorney for the Northern District of Illinois filed a libel against 491 boxes of evaporated apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 6, 1942, by Jack Gomperts & Co., from Watsonville, 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: (Box) "50 Lbs. Net California Evaporated Apples."

On November 4, 1942, Jack Gomperts & 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 brought into compliance with the law under the supervision of the Food and Drug Administration.

4442. Adulteration of figs. U. S. v. 22 Boxes of Figs. Default decree of condemnation and destruction. (F. D. C. No. 8401. Sample No. 21265-F.)

On September 23, 1942, the United States attorney for the Northern District of Ohio filed a libel against 22 25-pound boxes of figs at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about November 23, 1940, by the Pacific Raisin Co., from Fowler, 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: "Pheasant Brand Standard Adriatic Figs Packed by Bonner Packing Co., Fresno, Calif."

On December 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4443. Adulteration of dried peaches. U. S. v. 94 Boxes of Dried Peaches. Default decree of condemnation and destruction. (F. D. C. No. 7638. Sample No. 70899-E.)

On or about July 22, 1942, the United States attorney for the Northern District of Georgia filed a libel against 94 boxes of dried peaches at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about December 23, 1941, by the Bonner Packing Co. from Fresno, 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: "Blue Jay Brand Varigrade Recleaned Peaches."

On November 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was accomplished by feeding the product to hogs at the penitentiary.