

DISPOSITION: December 24, 1943. The H. J. McGrath Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6754. Adulteration of tomato paste. U. S. v. 859 Cases of Tomato Paste. Consent decree of condemnation and destruction. (F. D. C. No. 3793. Sample Nos. 33009-E, 33010-E.)

LIBEL FILED: February 10, 1941, Southern District of New York; amended libel filed May 14, 1942.

ALLEGED SHIPMENT: On or about May 22, 1940, by F. Vitelli & Figli, from Naples, Italy.

PRODUCT: 859 cases, each containing 100 6-ounce cans, of tomato paste at New York, N. Y.

Examination showed that the product contained mold.

LABEL, IN PART: (Cans) "Tomato Paste Pride of Naples Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed tomato material.

DISPOSITION: On October 22, 1943. Samuel Kirsch, claimant, having previously consented to the entry of a decree in the event that he did not obtain permission to export the product, and not having obtained such permission, judgment of condemnation was entered and the product was ordered destroyed.

6755. Adulteration of tomato paste. U. S. v. 289 Cases and 599 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 11994, 12031. Sample Nos. 60268-F, 60273-F.)

LIBELS FILED: March 11 and 17, 1944, Districts of Rhode Island and Massachusetts.

ALLEGED SHIPMENT: On or about February 24 and March 9, 1944, by the Mel-Williams Co., from San Francisco, Calif.

PRODUCT: 599 cases at Providence, R. I., and 289 cases at Boston, Mass., each case containing 100 6-ounce cans of tomato paste.

LABEL, IN PART: (Cans) "Dainty Pak Brand Tomato Paste * * * Pacific Grape Products Co., Modesto, Cal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 24 and May 22, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6756. Adulteration of tomato puree. U. S. v. 398 Cases and 986 Cases of Tomato Puree. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 11869, 12124. Sample Nos. 51712-F, 51991-F.)

LIBELS FILED: February 21 and April 1, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 27 and December 4, 1943, by the Orleans County Canning Co., from Albion, N. Y.

PRODUCT: 1,384 cases, each containing 6 cans, of tomato puree at Boston, Mass.

LABEL, IN PART: (Cans) "Matchless Brand Fancy Grade Tomato Puree * * * Webster-Thomas Co., Boston, Mass. Distributors," or "Pastene Fancy Tomato Puree * * * Distributed By Pastene & Co., Inc. New York—Boston—Montreal."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 15 and 25, 1944. The Orleans County Canning Co., claimant for a portion of the product, 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 under the supervision of the Food and Drug Administration. No claimant having appeared for the remainder, judgment of condemnation was entered and that portion was ordered destroyed.