LABEL, IN PART: (Cartons) "Tomatoes 10 Lbs. Net"; (boxes) "Blue Goose Texas Tomatoes * * * Net Weight 30 Lbs.," or "Our Very Best Grade Tomatoes Net Weight When Packed 30 Lbs."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents, since the cartons and boxes contained less than the declared weight.

DISPOSITION: June 2, 1945. The defendant, Krause, having entered a plea of nolo contendere, the court imposed a fine of $50 on each of the 5 counts, a total fine of $250.

8058. Adulteration of tomato puree. U. S. v. Butterfield Canning Co. Plea of guilty. Fine, $200. (F. D. C. No. 12577. Sample Nos. 4157-F, 67348-F.)

INFORMATION FILED: October 24, 1944, Southern District of Indiana, against the Butterfield Canning Co., a corporation, Muncie, Ind.

ALLEGED SHIPMENT: On or about November 3 and 8, 1943, from the State of Indiana into the States of Ohio and Kentucky.

LABEL, IN PART: "Butterfield Brand [or "Indiano Brand"] Tomato Puree."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of excessive mold, rot fragments, and vinegar fly eggs.

DISPOSITION: December 2, 1944. A plea of guilty having been entered on behalf of the defendant, a fine of $200 was imposed.

8059. Adulteration of tomato puree. U. S. v. Zion's Cooperative Mercantile Institution (Zion's Wholesale Grocery). Plea of guilty. Fine, $25. (F. D. C. No. 12619. Sample No. 15794-F.)

INFORMATION FILED: November 22, 1944, District of Utah, against Zion's Cooperative Mercantile Institution, a corporation trading as Zion's Wholesale Grocery, Ogden, Utah.

ALLEGED SHIPMENT: On or about January 22, 1943, from the State of Utah into the State of Idaho.

LABEL, IN PART: "Smith Brand Tomato Puree * * * Packed by Smith Canning Co. Clearfield, Utah."

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

DISPOSITION: January 10, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of $25 was imposed.

8060. Adulteration of tomato sauce. U. S. v. Rosario Raspanti. Plea of guilty. Fine, $100. (F. D. C. No. 10642. Sample Nos. 9954-F, 9959-F, 10282-F.)

INDICTMENT RETURNED: May 3, 1944, Southern District of Mississippi, against Rosario Raspanti, trading as the Uddo & Taormina Co., Crystal Springs, Miss.

ALLEGED SHIPMENT: Between the approximate dates of February 24 and July 20, 1942, from the State of Mississippi into the State of Louisiana.

LABEL, IN PART: "Baby Brand Tomato Sauce Distributed By Uddo & Taormina Company Crystal Springs, Miss."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, i. e., moldy and decomposed tomato tissues.

DISPOSITION: August 25, 1944. A plea of guilty having been entered, the defendant was fined $100.

8061. Adulteration of tomato soup. U. S. v. 432 Cases and 50 Cases of Tomato Soup. Decrees of condemnation and destruction. (F. D. C. Nos. 9506, 10073. Sample Nos. 29059-F, 28960-F.)

LIBEL FILED: March 9 and June 9, 1943, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 18 and February 3, 1943, by the Phillips Sales Co., Inc., from Cambridge, Md.

PRODUCT: 432 cases and 50 cases, each containing 48 10½-ounce cans, of tomato soup, at Atlanta, Ga.

LABEL, IN PART: "Phillips Delicious * * * Tomato Soup."

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