LABEL, IN PART: "Hermitage Brand * * * Tomato Juice Distributed by Robert Orr & Co., Nashville, Tenn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of vinegar fly maggots, fly eggs, and rot fragments, and of a decomposed substance by reason of the use in its manufacture of decomposed tomatoes, as evidenced by the presence of mold; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On February 7, 1944, the King Packing Co., claimant, having obtained permission of the court to withdraw its answer to the libel, judgment of condemnation was entered and the product was ordered destroyed. On April 7, 1944, the court signed an order adjudging the costs of the action against the claimant and ordering the issuance of execution therefor.

8959. Adulteration of tomato paste. U. S. v. 485 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15390. Sample No. 29306–H.)

LIBEL FILED: February 17, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about January 15, 1945, by the Sun Garden Packing Co., from San Jose, Calif., the product consigned to Jersey City, N. J.

PRODUCT: 485 cases, each containing 100 6-ounce cans, of tomato paste at Oakland, Calif.

LABEL, IN PART: "Green Bow Brand Tomato Paste."

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

DISPOSITION: April 10, 1945. The Sun Garden Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

8960. Misbranding of tomato paste. U. S. v. Uddo & Taormina Co. and Angelo Glorioso. Pleas of nolo contendere. Partnership fined $500; imposition of sentence suspended and individual defendant placed on probation for 3 years. (F. D. C. No. 16511. Sample Nos. 6063–H, 20407–H.)

INFORMATION FILED: November 19, 1945, Southern District of California, against the Uddo & Taormina Co., a partnership, Buena Park, Calif., and Angelo Glorioso, plant superintendent.

ALLEGED SHIPMENT: Between the approximate dates of October 2 and November 11, 1944, from the State of California into the State of New York.

LABEL, IN PART: "Progresso Brand Pure Tomate Paste [or "Tomato Paste with Basil"]."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity prescribed by the regulations for tomato paste since it contained less than 25 percent of salt-free tomato solids.

DISPOSITION: February 26, 1946. Pleas of nolo contendere having been entered by the defendants, the court imposed a fine of $500 on the partnership; imposition of sentence was suspended on the individual defendant, and he was placed on probation for 3 years.

8961. Adulteration and misbranding of tomato puree. U. S. v. 297 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 15342. Sample No. 29309–H.)

LIBEL FILED: March 5, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about February 9, 1945, by the Mel-Williams Co., from San Francisco, Calif.

PRODUCT: 297 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Providence, R. I.

LABEL, IN PART: "Tom Tom Fancy Tomato Puree * * * Packed by Valley Canning Co. Sonoma, Calif."

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

Misbranding, Section 403 (a), the label statement "Fancy Tomato Puree" was false and misleading as applied to the product, which was not fancy; and,