

**TOMATO AND TOMATO PRODUCTS\***

**3842. Misbranding of tomato puree and canned tomatoes. U. S. v. 63 Cases, etc.**  
(F. D. C. No. 25362. Sample Nos. 12565-K to 12567-K, incl.)

**LABEL FILED:** August 11, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 29, May 16, and June 11, 1948, by Paul Coccia, from Camden, N. J.

**PRODUCT:** 63 cases, each containing 24 1-pound, 4-ounce cans, of tomato puree, and 12 cases, each containing 24 1-pound, 11-ounce cans, and 72 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** "Coccia Brand Tomato Puree," "Tomatoes Fort Crawford [or "Prairie City"] Packed by Prairie City Canning Co., Prairie Du Chien, Wis.," or "Alesco Brand Tomatoes \* \* \* Packed for New Jersey Italian Food Products Company Camden, New Jersey."

**NATURE OF CHARGE:** Canned tomatoes. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Tomato puree. Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids. Further misbranding, Section 403 (e) (1), the product failed to bear a label containing the name of the manufacturer, packer, or distributor.

**DISPOSITION:** October 11, 1948. Default decree of condemnation and destruction.

**13843. Adulteration and misbranding of tomato puree. U. S. v. 17 Cases \* \* \*.**  
(F. D. C. No. 25465. Sample No. 9568-K.)

**LABEL FILED:** August 17, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about June 13, 1948, by the Paul Coccia Cannery, from Camden, N. J.

**PRODUCT:** 17 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Brooklyn, N. Y.

**LABEL, IN PART:** (Can) "Alesco Brand Tomato Puree Net Weight 1 Lb. 12 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as tomato puree, a food for which a definition and standard of identity had been prescribed by regulations, and it failed to conform to such standard since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** October 18, 1948. Default decree of condemnation and destruction.

**13844. Misbranding of tomato puree. U. S. v. Rosario Raspanti. Plea of guilty. Fine, \$500. (F. D. C. No. 25292. Sample Nos. 26785-K, 26786-K.)**

**INFORMATION FILED:** September 15, 1948, Southern District of Mississippi, against Rosario Raspanti, at the time of the shipment referred to hereinafter, a partner in the firm of Uddo & Taormina Co., Crystal Springs, Miss.

\*See also Nos. 13704-13706.

**ALLEGED SHIPMENT:** On or about January 9 and February 2, 1948, from the State of Mississippi into the State of Arkansas.

**LABEL, IN PART:** "Baby Brand Tomato Puree Packed by Uddo Taormina Corp. [or "Packed by Uddo & Taormina Co."]."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree, since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** November 3, 1948. A plea of guilty having been entered, the defendant was fined \$500.

**13845. Misbranding of tomato puree. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 25448. Sample No. 27389-K.)**

**LIBEL FILED:** September 13, 1948, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about July 11, 1948, by the Delta Canning Co., from Raymondville, Tex.

**PRODUCT:** 7 cases, each containing 100 4¾-ounce cans, of tomato puree at Little Rock, Ark.

**LABEL, IN PART:** "Frost Brand Tomato Puree Net Weight 4¾ Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product purported to be and was represented as tomato puree, a food for which a definition and standard of identity had been prescribed by regulations, and it failed to conform to such definition and standard since it contained less than the minimum of 8.37 percent of salt-free tomato solids, as provided by the standard.

**DISPOSITION:** October 27, 1948. Default decree of condemnation. The product was delivered to a public institution.

**13846. Adulteration of tomato paste. U. S. v. 126 Cases \* \* \*. (F. D. C. No. 25446. Sample No. 15969-K.)**

**LIBEL FILED:** September 14, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 24, 1946, from Woodland, Calif.

**PRODUCT:** 126 cases, each containing 6 7-pound cans, of tomato paste at Chicago, Ill. Examination showed that the product was undergoing chemical decomposition.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** November 16, 1948. Default decree of condemnation and destruction.

**13847. Adulteration of tomato paste. U. S. v. 29 Cases \* \* \*. (F. D. C. No. 25348. Sample No. 5017-K.)**

**LIBEL FILED:** On or about August 13, 1948, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about November 26, 1946, by the Pacific Grape Products Co., from Empire, Calif.

**PRODUCT:** Tomato paste. 29 cases, each containing 6 6-pound, 15-ounce cans, at Providence, R. I.

**LABEL, IN PART:** "Dainty Pak Brand Tomato Paste."

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

**DISPOSITION:** October 26, 1948. Default decree of condemnation and destruction.