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 fly eggs and maggots.

DISPOSITION: July 22, 1953. The Francis C. Stokes Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and the destruction of the unfit portion, under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 129 cases containing the 18-ounce cans of the product were found unfit and were destroyed.

20337. Adulteration of tomato paste. U. S. v. 9,996 Cases * * *. (F. D. C. No. 34910. Sample Nos. 18511–L, 18513–L.)

LIBEL FILED: March 23, 1953, District of New Jersey.

ALLEGED SHIPMENT: On or about February 16, 1953, by Hunt Foods, Inc., from Fullerton, Calif.

PRODUCT: 9,996 cases, each containing 96 6-ounce cans, of tomato paste at Newark, N. J.

LABEL, IN PART: (Can) "Hunt's Tomato Paste."

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

DISPOSITION: April 20, 1953. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and the destruction of the unfit portion, under the supervision of the Department of Health, Education, and Welfare. 212 cans of the product were found unfit and were destroyed.

20338. Adulteration and misbranding of tomato puree. U. S. v. 12 Cases * * *. (F. D. C. No. 34924. Sample No. 73022–L.)

LIBEL FILED: April 16, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: During or about September 1952, from the Hadad Canning Co., Aldine, N. J.

PRODUCT: 12 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Philadelphia, Pa., in the possession of Max Factor.

RESULTS OF INVESTIGATION: The dealer removed the original labels from the article after its shipment in interstate commerce and applied the label described below. The firm named on the label had no connection with the article.

LABEL, IN PART: (Can) "Tomato Puree Dacotah * * * Andrew Kuehn Company Distributors Sioux Falls – South Dakota."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material, and of a filthy substance by reason of the presence of fly eggs and maggots. The article was adulterated when introduced into and while in interstate commerce.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. The article was misbranded while held for sale after shipment in interstate commerce.