

On October 11, 1941, the Rowland Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2463. Misbranding of canned tomatoes. U. S. v. 746 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5328. Sample No. 49653-E.)**

This product was substandard because it failed to meet the official test for strength and redness of color, and it contained more than 1 square inch of peel per pound of tomatoes in the container.

On or about August 11, 1941, the United States attorney for the Western District of Louisiana filed a libel against 746 cases, each containing 24 No. 2 cans, of tomatoes at Lake Charles, La., alleging that the article had been shipped on or about June 19 and 24, 1941, by the Stedman Co. from Orange, Tex.; and charging that it was misbranded. It was labeled in part: "Bounty Brand Tomatoes \* \* \* Packed by Southwest Products Co. McAllen, Tex."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and the label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 20, 1941, the Southwest Products Co. having appeared as claimant, 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.

**2464. Misbranding of canned tomatoes. U. S. v. 233 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5411. Sample No. 49662-E.)**

This product was labeled "Standard Quality Grade C" but actually was substandard since it failed to pass the official test for strength and redness of color, and it contained more than the permitted maximum amounts of peel and blemishes.

On August 22, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 233 cases, each containing 24 No. 2 cans, of tomatoes at New Orleans, La., alleging that the article had been shipped on or about June 24, 1941, by Apte Bros. (Apte Bros. Canning Co.) from Edinburg, Tex.; and charging that it was misbranded. It was labeled in part: "Iona Tomatoes Net Wt. 1 Lb. 3 Ozs. Standard Quality Grade C."

The article was alleged to be misbranded (1) in that the statement "Standard Quality Grade C" was false and misleading as applied to an article that was not "Standard Quality Grade C"; and (2) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 9, 1941, Apte Bros. Canning 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.

Nos. 2465 to 2475 (except 2468) report actions based on the seizure and disposition of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

**2465. Adulteration and misbranding of tomato catsup. U. S. v. 68 Cases and 16 Cases of Tomato Catsup. Consent decree of condemnation and destruction. (F. D. C. No. 5757. Sample Nos. 65841-E, 65842-E.)**

On September 17, 1941, the United States attorney for the District of Colorado filed a libel against 84 cases, each containing 24 bottles, of tomato catsup at Denver, Colo., which had been consigned by Beaver Valley Canning Co., Grimes, Iowa, alleging that the article had been shipped on or about April 30 and June 13, 1941, from Grimes, Iowa; and charging that it was adulterated and misbranded. It was labeled in part: "Shurfine [or "Tastewell"] Brand Contents 14 Oz. Tomato Catsup National Retailer-Owned Grocers, Inc. Distributors Chicago, Illinois."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

It was alleged to be misbranded in that the statement "All products bearing this label are guaranteed to comply with the pure food laws," appearing on the neck label of the bottles, was false and misleading.

On September 30, 1941, the claimant having signed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

**2466. Adulteration of tomato catsup. U. S. v. 505 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 4929. Sample No. 47446-E.)**

On June 17, 1941, the United States attorney for the Northern District of Illinois filed a libel against 505 cases, each containing 24 bottles, of tomato catsup at Chicago, Ill., alleging that the article had been shipped on or about May 22, 1941, by Fettig Canning Co., from Elwood, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Bottles) "Tolman's Tomato Catsup Net Wt. 14 Oz."

On October 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2467. Adulteration of tomato catsup. U. S. v. 151 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 5975. Sample No. 67852-E.)**

On October 4, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 151 cases, each containing 24 bottles of tomato catsup at St. Louis, Mo., alleging that the article had been shipped on or about September 4, 1941, by Stokely Bros. & Co., Inc., from Indianapolis, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Bottles) "Stokely's Finest Tomato Catsup Net Weight 14 Oz."

On October 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2468. Adulteration of tomato paste. U. S. v. 40 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 4720-B. Sample No. 22535-E.)**

Examination of this product showed that it contained worm and insect fragments.

On May 17, 1941, the United States attorney for the District of Connecticut filed a libel against 40 cases, each containing 100 6-ounce cans, of tomato paste at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 28, 1941, by the Hollister Canning Co. from Oakland, Calif.; and charging that it was adulterated. The article was labeled in part: "San Benito Brand Naples Style Tomato Paste."

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2469. Adulteration of tomato paste. U. S. v. 25 Cartons and 9 Cases of Tomato Paste. Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered to a public institution. (F. D. C. Nos. 5428, 5857. Sample Nos. 59389-E, 59638-E.)**

On August 25 and September 26, 1941, the United States attorney for the Southern District of West Virginia filed libels against 25 cartons each containing 100 cans of tomato paste at Huntington, and 9 cases each containing 100 cans of the same product at Bluefield, W. Va., alleging that the article had been shipped on or about May 10 and 13, 1941, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Champion Brand Tomato Paste Net Weight 6 Ounces Avd."

On October 2 and 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On November 1, 1941, the decree of October 22, 1941, was amended to permit delivery of the lot seized at Bluefield to a public institution for use as stock feed.

**2470. Adulteration of tomato paste. U. S. v. 7 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 5427. Sample No. 59388-E.)**

On August 25, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 7 cases, each containing 100 cans, of tomato paste at Huntington, W. Va., alleging that the article had been shipped on or about