

3754. Misbranding of canned tomatoes. U. S. v. 599 and 998 Cases of Canned Tomatoes. Decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 6978, 7444. Sample Nos. 90240-E, 90435-E.)

On March 5 and May 4, 1942, the United States attorney for the District of Massachusetts filed libels against 1,597 cases, each containing 24 No. 2 cans, of tomatoes, at Fall River, Mass., alleging that the article had been shipped "in interstate commerce on or about November 5, 1941, and April 7, 1942, by A. W. Sisk & Son from Kingston, and Preston, Md.; and charging that it was misbranded. The article was labeled in part: "Red Ripe Brand Tomatoes * * * Packed by C. F. Matthews Kingston, Md."; or "Iona Tomatoes * * * The Great Atlantic & Pacific Tea Co. New York, N. Y., Distributors."

It 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 because in both brands the peel per pound of canned tomatoes covered an area of more than 1 square inch, and in the Iona brand the blemishes per pound of canned tomatoes covered an area of more than $\frac{1}{4}$ square inch, and the labels failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 8 and June 4, 1942, A. W. Sisk & Son, Aberdeen, Md., claimant for the Red Ripe brand, and J. Roland Stewart, Cambridge, Md., claimant for the Iona brand, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled correctly under the supervision of the Food and Drug Administration.

3755. Misbranding of canned tomatoes. U. S. v. 36 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered distributed to a charitable institution. (F. D. C. No. 7381. Sample No. 87963-E.)

On April 24, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 36 cases of canned tomatoes at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about February 16, 1942, by Tilghman Packing Co. from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: "Iona Tomatoes Net Wt. 1 Lb. 3 Ozs. Standard Quality Grades C The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

It was alleged to be misbranded (1) in that the statement "Standard Quality Grade C" was false and misleading as applied to substandard tomatoes; 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 it fell below such standard because the amount of peel per pound of canned tomatoes covered an area of more than 1 square inch and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

3756. Misbranding of canned tomatoes. U. S. v. 222 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7108. Sample No. 83904-E.)

On March 30, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 222 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 18, 1941, and January 26, 1942, by Chas. B. Silver & Son from Leslie, Md.; and charging that it was 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 its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: "Red Cross Brand Solid Pack Tomatoes."

On May 29, 1942, Chas. B. Silver & Son, Havre de Grace, Md., claimant, having admitted the allegations of the libel, decree of condemnation was entered and the product was ordered released under bond to be relabeled in accordance with the law under the supervision of the Food and Drug Administration.

3757. Adulteration of tomato catsup. U. S. v. 34 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 7464. Sample No. 92313-E.)

This product was undergoing active spoilage.

On May 8, 1942, the United States attorney for the District of Arizona filed a libel against 34 cases, each containing 24 12-ounce bottles, of tomato catsup