

DISPOSITION: December 15, 1943, Tyrrell & Garth, Inc., claimant. A decree of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law.

5945. Misbranding of canned tomatoes. U. S. v. 942 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 11028. Sample No. 41146-F.)

LIBEL FILED: October 30, 1943, District of Texas.

ALLEGED SHIPMENT: During July 1943, by the Logansport Canning Co., Inc., Logansport, La.

PRODUCT: 942 cases of canned tomatoes at the L. B. Dean Warehouse, Joaquin, Tex.

LABEL, IN PART: Unlabeled when shipped; label applied at warehouse, Joaquin, Tex.: "De Soto Brand Tomatoes. Packed by Logansport Canning Co., Inc."

VIOLATIONS CHARGED: Misbranding, Section 403(h)(1), the product was substandard because it failed to meet the requirements for color, the peel per pound of canned tomatoes in the container covered an area of more than 1 square inch, the blemishes per pound of canned tomatoes in the container covered an area of more than $\frac{1}{4}$ square inch, and the label failed to bear a statement that the article fell below the standard; Section 403(e)(1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403(e)(2), it failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: December 20, 1943. The claimant, J. G. Black, having admitted the material allegations of the libel, consent decree of condemnation was entered and the product was ordered released under bond for relabeling.

5946. Misbranding of canned tomatoes. U. S. v. 447 Cases and 160 Cases of Canned Tomatoes. Decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 10831, 11103. Sample Nos. 53409-F, 53433-F.)

LIBELS FILED: September 28 and November 12, 1943, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 21, 1943, by the H. J. McGrath Co., Baltimore, Md.

PRODUCT: 607 cases of canned tomatoes at Charleston, W. Va.

LABEL, IN PART: "McGrath's Tomatoes McGrath's Champion Brand."

VIOLATION CHARGED: Misbranding, Section 403(h)(1), the quality of the product fell below the standard for canned tomatoes prescribed by the regulations, since its drained weight was less than 50 percent of the weight of water required to fill the container, and because the peel per pound of canned tomatoes in the container covered an area of more than 1 square inch, and its label failed to bear a statement, in the manner and form that the regulations specify, that it fell below the standard.

DISPOSITION: The H. J. McGrath Co. appeared as claimant and admitted the allegations of the libels. On October 15 and November 29, 1943, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

5947. Misbranding of canned tomatoes. U. S. v. 556 Cases of Tomatoes. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10970. Sample No. 41504-F.)

LIBEL FILED: On or about October 21, 1943, Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 6, 1943, by the Knapp-Sherrill Co. (successor to the Kessler & Bagnetto Canning Co.), Donna, Tex.

PRODUCT: 556 cases of tomatoes at Lake Charles, La.

LABEL, IN PART: "K and B Brand Tomatoes Packed By Kessler & Bagnetto Canning Co."

VIOLATIONS CHARGED: Misbranding, Section 403(h)(1), the product was substandard in quality because the strength and redness of the color of the tomatoes failed to meet the requirements for color prescribed in the standard.

DISPOSITION: December 15, 1943. Default decree of condemnation and destruction entered. On January 7, 1944, the Knapp-Sherrill Co. having entered an appearance and filed a motion to set aside the judgment, an amended decree was entered, in part setting aside the decree of December 15, 1943, and allow-