

DISPOSITION: February 7, 1947. Seiter's, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10459. Misbranding of canned tomatoes. U. S. v. 500 Cases * * *. (F. D. C. No. 21941. Sample No. 49652-H.)

LIBEL FILED: December 10, 1946, Eastern District of Texas.

ALLEGED SHIPMENT: On or about December 9, 1946, by the Thomas & Drake Canning Co., from Fayetteville, Ark.

PRODUCT: 500 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Paris, Tex.

LABEL, IN PART: "Elm Tomatoes * * *. Distributed by Thomas & Drake Canning Co. Fayetteville, Arkansas," or "Dubon Tomatoes * * * Distr. by Dubon Co. New Orleans La."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes, both as to drained weight of content of container and as to strength and redness of color, and the label failed to bear a statement that it fell below such standard.

DISPOSITION: January 6, 1947. Eubanks Brothers, Fayetteville, Ark., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10460. Misbranding of canned tomatoes. U. S. v. 448 Cases * * *. (F. D. C. No. 22145. Sample No. 67178-H.)

LIBEL FILED: January 3, 1947, District of Nebraska.

ALLEGED SHIPMENT: On or about September 5, 1946, by C. O. Pardue and Son, from Springdale, Ark.

PRODUCT: 448 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Omaha, Nebr.

LABEL, IN PART: "Hartco Brand Tomatoes Packed by The Hart Canning Co. Seymour, Mo."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality because of low drained weight.

DISPOSITION: January 31, 1947. C. O. Pardue and Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

10461. Misbranding of canned tomatoes. U. S. v. 377 Cases * * *. (F. D. C. No. 22162. Sample No. 65642-H.)

LIBEL FILED: January 7, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of September 9 and October 3, 1946, by the Atlantic Canning Co., from Mays Landing, N. J.

PRODUCT: 377 cases, each containing 6 7¼-pound cans, of tomatoes at Philadelphia, Pa. Examination showed that the article was short-weight.

LABEL, IN PART: "Marco Brand Solid Pack * * * Tomatoes Contents 7¼ Lbs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 17, 1947. The Atlantic Canning 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.

10462. Misbranding of canned tomatoes. U. S. v. 51 Cases * * *. (F. D. C. No. 22144. Sample No. 51693-H.)

LIBEL FILED: January 2, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: On or about September 3, 1946, by Clay M. Webb Co., from Vienna, Md.