

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.

PRODUCT: 51 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sioux City, Iowa.

LABEL, IN PART: "Bob White Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes because of an excess of tomato peel and blemishes, and it was not labeled to show that it was substandard.

DISPOSITION: January 27, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10463. Adulteration of tomato juice and tomato puree and misbranding of tomato paste and diced peaches. U. S. v. Joseph J. Felice (Hollister Canning Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 21512. Sample Nos. 25681-H, 29517-H, 30766-H, 46033-H, 46618-H, 58130-H.)

INFORMATION FILED: December 30, 1946, Northern District of California, against Joseph J. Felice, trading as the Hollister Canning Co., Hollister, Calif.

ALLEGED SHIPMENT: Between the approximate dates of September 28, 1945, and January 3, 1946, from the State of California into the States of Colorado, Washington, New York, Minnesota, North Carolina, and Pennsylvania.

LABEL, IN PART: "Hollister Brand California Tomato Juice," "San Benito Tomato Paste," "Felice Tomato Puree," "San Benito Diced Yellow Cling Peaches In Light Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (tomato juice and tomato puree) the articles consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), (tomato paste and diced peaches) the tomato paste failed to conform to the definition and standard of identity because it contained less than 25 percent of salt-free tomato solids, and the diced peaches failed to conform to the standard of identity because the peach ingredient of the article was not in the dice form of unit.

DISPOSITION: February 13, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$50 on each of 6 counts, a total fine of \$300.

10464. Adulteration of tomato juice. U. S. v. 400 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21632, 21633. Sample Nos. 65621-H, 65626-H.)

LIBELS FILED: November 7, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 23 and 27, 1946, by the Garden State Canning Co., from Hightstown, N. J.

PRODUCT: 400 cases and 600 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Philadelphia, Pa.

LABEL, IN PART: "Farm Fresh Brand Tomato Juice," or "Sunrise Brand Tomato Juice * * * Distributed by American Stores Co., Philadelphia, Pa."

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.

DISPOSITION: December 5, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10465. Adulteration of tomato juice. U. S. v. 184 Cases * * *. (F. D. C. No. 21766. Sample No. 60798-H.)

LIBEL FILED: November 22, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about September 23, 1946, by H. P. Cannon & Son, Inc., from Bridgeville, Del.

PRODUCT: 184 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Rochester, N. Y.

LABEL, IN PART: "Cannon Tomato Juice."

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.