

12175. Misbranding of canned tomatoes. U. S. v. 228 Cases * * *. (F. D. C. No. 22155. Sample No. 52185-H.)

LIBEL FILED: January 6, 1947, District of North Dakota.

ALLEGED SHIPMENT: On or about September 16, 1946, by the Smith Canning Co., from Fayetteville, Ark.

PRODUCT: 228 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bismarck, N. Dak.

LABEL, IN PART: "Smith's Beauty Hand Packed Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes by reason of its low drained weight.

DISPOSITION: March 3, 1947. The Bismarck Grocery Co., Bismarck, N. Dak., 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.

12176. Misbranding of canned tomatoes. U. S. v. 1,800 Cases * * *. (F. D. C. No. 22207. Sample No. 40140-H.)

LIBEL FILED: January 27, 1947, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 8, 1946, by the Meyers Milling Co., from Harrison, Ark.

PRODUCT: 1,800 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Memphis, Tenn.

LABEL, IN PART: "Alpena Brand Tomatoes * * * Packed by Alpena Canning Company Alpena Pass, Ark."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes by reason of its low drained weight.

DISPOSITION: April 2, 1947. Malone & Hyde, Inc., Memphis, Tenn., 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.

12177. Misbranding of canned tomatoes. U. S. v. 1,947 Cases * * *. (F. D. C. No. 22234. Sample No. 54351-H.)

LIBEL FILED: February 1, 1947, Western District of South Carolina.

ALLEGED SHIPMENT: On or about August 31, 1946, by the Hague Packing Company, from Richmond, Va.

PRODUCT: 1,947 cases, each containing 24 cans, of tomatoes at Spartanburg, S. C. No written agreement existed between the shipper and the consignee as to the labeling of the product, but labels furnished by the Hague Packing Company and shipped with the product read: "Wife's Pride Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), the label failed to bear, as required by regulations, the name of the food specified in the definition and standard for canned tomatoes; and, Section 403 (h) (1); the article fell below the standard by reason of an excess of tomato peel and blemishes.

DISPOSITION: May 1, 1947. The Hague Packing Company, Hague, Va., 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 Food and Drug Administration.

12178. Misbranding of canned tomatoes. U. S. v. 1,787 Cases * * *. (F. D. C. No. 22243. Sample No. 67727-H.)

LIBEL FILED: February 6, 1947, District of Kansas.

ALLEGED SHIPMENT: On or about August 23, 1946, by the Washburn Canning Co., from Washburn, Mo.

PRODUCT: 1,787 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hutchinson, Kans. The product was shipped unlabeled, and no written agreement existed between the shipper and the consignee as to the labeling.

NATURE OF CHARGE: Misbranding, Section 403 (e), the label of the article failed to contain the name and place of business of the manufacturer, packer, or dis-