

DISPOSITION: March 10, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12572. Adulteration of sweet Indian relish. U. S. v. 40 Cases * * *. (F. D. C. No. 21957. Sample Nos. 54249-H, 54250-H.)

LIBEL FILED: December 10, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 18, 1946, by National Manufacturing & Packing, from Salisbury, N. C.

PRODUCT: 8 cases, each containing 24 1-pint jars, and 32 cases, each containing 12 1-quart jars, of sweet Indian relish at Miami, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 13, 1947. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS*

12573. Adulteration and misbranding of canned tomatoes. U. S. v. 997 Cases * * * (and five other seizure actions). (F. D. C. Nos. 21137, 21652, 21671, 21672, 22209, 22272. Sample Nos. 24997-H, 40504-H, 41302-H, 49195-H, 50244-H, 51772-H.)

LIBELS FILED: Between October 11, 1946, and February 7, 1947, Northern and Southern Districts of Texas, Eastern District of Missouri, District of Minnesota, and Northern District of Alabama.

ALLEGED SHIPMENT: Between the approximate dates of August 3 and October 1, 1946, by the Smith Canning Co., from Siloam Springs and Fayetteville, Ark.

PRODUCT: Canned tomatoes. 997 cases at Corsicana, Tex., 1,482 cases at St. Louis, Mo., 328 cases at Minneapolis, Minn., 1,538 cases at Galveston, Tex., 1,800 cases at Birmingham, Ala., and 250 cases at Hannibal, Mo. Each case contained 24 1-pound, 3-ounce cans.

The Galveston and Minneapolis lots were shipped unlabeled, and no written agreement existed between the shipper and the consignee as to the labeling.

LABEL, IN PART: "Big Smith Brand Hand Packed Tomatoes Contents 1 Lb. 3 Oz.," or "Smith's Beauty Hand Packed Tomatoes Contents 1 Lb. 3 Oz."

NATURE OF CHARGE: Corsicana lot. Adulteration, Section 402 (b) (2), water had been substituted in part for canned tomatoes. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes, since it contained added water, a substance not permitted in the standard.

Minneapolis lot. Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes. 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) (1), it failed to conform to the definition and standard of identity, since it contained added water; and, Section 403 (h) (1), it fell below the standard of quality for canned tomatoes because of low drained weight, because of failure to meet the test for strength and redness of color, and because of the presence of excessive tomato peel. (This lot was unlabeled when shipped.)

Galveston lot. 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), it failed to bear the name of the food specified in the definition and standard of identity; and, Section 403 (h) (1), it fell below the standard of quality with respect to color, and because of the presence of excessive tomato peel and excessive blemishes.

St. Louis lot. Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents (The product was short-weight); Section 403 (h) (1), the product was substandard in quality because of low drained weight; and, Section 403 (h) (2), it fell below the standard of fill of container, since the cans were filled to less than 90 percent of the total capacity of the container.

*See also Nos. 12407-12409, 12518, 12566.

Birmingham lot. Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity, since it contained added water; and, Section 403 (h) (1), it was substandard in quality because of low drained weight.

Hannibal lot. Misbranding, Section 403 (h) (1), the product was substandard in quality because of low drained weight.

DISPOSITION: December 2 and 12, 1946, and April 14 and 28 and May 15 and 26, 1947. The Smith Canning Co., Fayetteville, Ark., the Jordan Stevens Co., Minneapolis, Minn., the C. and C. Co., Galveston, Tex., the Retailers Supply Co., St. Louis, Mo., and the Wetterau Grocer Co., Inc., Hannibal, Mo., claimants for the respective lots of the article, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

12574. Adulteration and misbranding of canned tomatoes. U. S. v. 348 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 23947 to 23949, incl. Sample Nos. 22411-K to 22413-K, incl.)

LIBELS FILED: November 6, 1947, Middle District of Alabama.

ALLEGED SHIPMENT: On or about August 27 and 30 and September 12, 1947, by the Watkins Produce Co., Thomasville, Ga.

PRODUCT: 348 cases at Montgomery, Ala., and 999 cases at Dothan, Ala., each case containing 44 cans of tomatoes.

LABEL, IN PART: "Rich-West Brand Tomatoes * * * Packed by Belmont Canning Company, Threeway, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been processed by heat to prevent spoilage.

DISPOSITION: December 5, 1947. Default decrees of condemnation and destruction.

12575. Adulteration and misbranding of canned tomatoes. U. S. v. 24 Cases * * * (F. D. C. No. 23971. Sample No. 26607-K.)

LIBEL FILED: November 13, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 5, 1947, by the McKnight-Keaton Grocery Co., from Cairo, Ill.

PRODUCT: 24 cases, each containing 6 cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Made to Eat Hand Packed Tomatoes Contents 6 Lbs. 7 Oz. [or "Twin Brand Tomatoes Contents 6 Lbs. 6 Oz."] Packed by Nagle Packing Co., Inc. Paducah, Ky."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: December 10, 1947. Default decree of condemnation and destruction.

12576. Adulteration of canned tomatoes. U. S. v. 100 Cases * * *. (F. D. C. No. 21359. Sample No. 67660-H.)

LIBEL FILED: October 23, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 13, 1946, by the Kuhn Canning Company, from Bonner Springs, Kans.

PRODUCT: 100 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Joseph, Mo.,

LABEL, IN PART: "Red Raven Hand Packed Tomatoes * * * Distributed By Cannery Exchange, Inc. Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.