

**DISPOSITION:** November 27, 1946. The Kuhn Canning Company having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was sorted, and the abnormal cans, 28 cases, were destroyed.

**12577. Misbranding of canned tomatoes. U. S. v. 1,457 Cases \* \* \*. (F. D. C. No. 23686. Sample No. 49568-H.)**

**LIBEL FILED:** September 8, 1947, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about July 2, 1947, by the Peace River Canning Co., from Edinburg, Tex.

**PRODUCT:** 1,457 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Brookhaven, Miss.

**LABEL, IN PART:** "Peace River Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard in quality because it failed to meet the requirements for color and because the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch.

**DISPOSITION:** November 4, 1947. The Southern Wholesale Company, Brookhaven, Miss., claimant, having consented to the entry of a decree, 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.

**12578. Misbranding of canned tomatoes. U. S. v. 300 Cases \* \* \*. (F. D. C. No. 24180. Sample No. 30242-K.)**

**LIBEL FILED:** December 11, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 14, 1947, by the Valley View Canning Co., from Santa Maria, Calif.

**PRODUCT:** 300 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at New York, N. Y.

**LABEL, IN PART:** "Mariposa Brand California Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned tomatoes, since the drained weight was less than 50 percent of the weight of water required to fill the container, and the label failed to bear a statement that the product was below standard.

**DISPOSITION:** January 29, 1948. The Valley View Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**12579. Misbranding of canned tomatoes. U. S. v. 296 Cases \* \* \*. (F. D. C. No. 23932. Sample Nos. 26085-K, 26089-K.)**

**LIBEL FILED:** November 18, 1947, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 4, 1947, by the Robinson Canning Co., from Siloam Springs, Ark.

**PRODUCT:** 296 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at St. Louis, Mo.

**LABEL, IN PART:** "King of Ozarks Brand Standard Grade Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below the standard of quality for canned tomatoes, in that the drained weight of the contents of the container was less than 50 percent of the weight of water required to fill the container, and the product was not labeled as substandard.

**DISPOSITION:** January 26, 1948. The Allen Canning Co., Siloam Springs, Ark., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be rebranded under the supervision of the Federal Security Agency.

**12580. Adulteration of tomato catsup. U. S. v. 197 Cases \* \* \*. (F. D. C. No. 17175. Sample No. 29140-H.)**

**LIBEL FILED:** August 23, 1945, District of Hawaii.

**ALLEGED SHIPMENT:** On or about July 27, 1945, by American Factors, Ltd., from San Francisco, Calif.

**PRODUCT:** 197 cases, each containing 6 cans, of tomato catsup at Honolulu, T. H.

**LABEL, IN PART:** "R-Best Brand Tomato Catsup Stockton Food Products Inc. Stockton, California."

**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:** November 5, 1945. American Factors, Ltd., having admitted the adulteration of the product and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered forfeited. Thereafter, the product was destroyed by the United States marshal.

**12581. Misbranding of tomato puree. U. S. v. 99 Cases \* \* \*. (F. D. C. No. 24210. Sample No. 33223-K.)**

**LIBEL FILED:** December 26, 1947, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about November 20, 1947, by Flotill Products, Inc., from Stockton, Calif.

**PRODUCT:** 99 cases, each containing 24 cans, of tomato puree at Boston, Mass.

**LABEL, IN PART:** "Flotta Tomato Puree \* \* \* Contents 1 Lb. 12 Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the declared amount.)

**DISPOSITION:** February 3, 1948. Flotill Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Federal Security Agency.

#### NUTS AND NUT PRODUCTS\*

**12582. Adulteration of brazil nuts. U. S. v. 27 Bags \* \* \* (and 1 other seizure action). (F. D. C. Nos. 21880, 24123. Sample Nos. 53637-H, 12227-K.)**

**LIBELS FILED:** December 23, 1946, and November 24, 1947, Southern District of Ohio and Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 25, 1946, and October 17, 1947, by the Red Line Commercial Co., Inc., from New York, N. Y.

**PRODUCT:** Brazil nuts. 27 100-pound bags at Dayton, Ohio, and 81 100-pound bags at Philadelphia, Pa.

**LABEL, IN PART:** "Amazon Brand," or "Pan American Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the Dayton lot consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed nuts, and was otherwise unfit for food by reason of the presence of empty shells. The Philadelphia lot consisted in whole or in part of a filthy substance by reason of the presence of wormy nuts, and of a decomposed substance by reason of the presence of moldy nuts.

**DISPOSITION:** February 7 and December 11, 1947. The Biddle Purchasing Co., claimant for the Dayton lot, and the Red Line Commercial Co., Inc., claimant for the Philadelphia lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency.

**12583. Adulteration of brazil nuts. U. S. v. 50 Bags \* \* \*. (F. D. C. No. 23859. Sample No. 411-K.)**

**LIBEL FILED:** October 17, 1947, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about September 22, 1947, by the Southgate Brokerage Co., from Norfolk, Va.

**PRODUCT:** 50 100-pound bags of brazil nuts at Charlotte, N. C.

**LABEL, IN PART:** "Southgate's Natural Large Medium Brazil Nuts."

\*See also No. 12419.