

**ALLEGED SHIPMENT:** On or about August 21, 1947, by the Belmont Canning Co., from Threeway, Va.

**PRODUCT:** 1,939 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Charleston, S. C.

**LABEL, IN PART:** "Rich-West Brand Tomatoes."

**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:** March 5, 1948. The Belmont Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**12962. Misbranding of canned tomatoes. U. S. v. 238 Cases \* \* \*. (F. D. C. No. 24342. Sample No. 22264-K.)**

**LABEL FILED:** February 9, 1948, Northern District of Florida.

**ALLEGED SHIPMENT:** On or about October 13, 1947, by the Watkins Produce Co., from Thomasville, Ga.

**PRODUCT:** 238 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Pensacola, Fla. Examination showed that the product was decomposed.

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

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

**DISPOSITION:** April 7, 1948. Default decree of condemnation and destruction.

**12963. Adulteration of canned tomatoes. U. S. v. 445 Cases \* \* \*. (F. D. C. No. 24480. Sample No. 14691-K.)**

**LABEL FILED:** March 17, 1948, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about October 30, 1947, by the Cooper Canning Co., from Elwood, Ind.

**PRODUCT:** 445 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Benton Harbor, Mich.

**LABEL, IN PART:** "Defiance Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 29, 1948. Default decree of condemnation. The product was ordered delivered to a State institution, for use as animal feed.

**12964. Misbranding of canned tomatoes. U. S. v. 1,798 Cases \* \* \*. (F. D. C. No. 24448. Sample No. 14837-K.)**

**LABEL FILED:** March 1, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 9, 1948, by Roberts Bros., Inc., from Baltimore, Md.

**PRODUCT:** 1,798 cases, each containing 48 10-ounce cans, of tomatoes at Chicago, Ill.

**LABEL, IN PART:** "Roberts Big R Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** April 2, 1948. Messcher & Stock, Inc., Chicago, Ill. claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of

segregating the product into lots by code and relabeling the lots found to be below standard, under the supervision of the Federal Security Agency.

**12965. Misbranding of canned tomatoes. U. S. v. 175 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 21908, 23820. Sample Nos. 49955-H, 22002-K.)

**LABELS FILED:** December 2, 1946, and November 8, 1947, Northern District of Alabama and Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about August 8, 1946, and August 8, 1947, by the Humboldt Canning Co., from Humboldt, Tenn.

**PRODUCT:** Canned tomatoes. 175 cases at Sheffield, Ala., and 1,347 cases at Meridian, Miss. Each case contained 24 1-pound, 3-ounce cans.

**LABEL, IN PART:** "Davy Crockett Brand Hand Packed Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of excessive peel and blemishes, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** December 18, 1946, and December 18, 1947. The Humboldt Canning Co., claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**12966. Misbranding of canned tomatoes. U. S. v. 1,498 Cases \* \* \*. (F. D. C. No. 23699. Sample No. 83169-H.)**

**LABEL FILED:** September 15, 1947, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about July 31, 1947, by the De Kalb Canning Co., from De Kalb, Tex.

**PRODUCT:** 1,498 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Louisville, Ky.

**LABEL, IN PART:** "Dek-Pak Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes, and it was not labeled to show that it was substandard. It failed to meet the test for color, and it contained excessive peel.

**DISPOSITION:** March 2, 1948. The De Kalb Canning Co., claimant, having admitted the allegations of the libel, 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.

**12967. Misbranding of canned tomatoes. U. S. v. 630 Cases \* \* \*. (F. D. C. No. 24369. Sample No. 26238-K.)**

**LABEL FILED:** March 5, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about December 19, 1947, by Eagle Pass Food Products, Inc., from Crystal City, Tex.

**PRODUCT:** 630 cases, each containing 24 unlabeled cans, of tomatoes at St. Louis, Mo.

**LABEL, IN PART:** (Cases) "24 No. 2 cans Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (g) (2), it purported to be, and was represented as, canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the food specified in such definition and standard; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel, and its label failed to bear the substandard legend.

**DISPOSITION:** April 1, 1948. Eagle Pass Food 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 brought into compliance with the law, under the supervision of the Federal Security Agency.