

**12968. Misbranding of canned tomatoes. U. S. v. 479 Cases \* \* \*. (F. D. C. No. 23671. Sample No. 76713-H.)**

**LIBEL FILED:** September 4, 1947, Southern District of Alabama.

**ALLEGED SHIPMENT:** On or about June 28, 1947, by the Rio Hondo Canning Co., from Rio Hondo, Tex.

**PRODUCT:** 479 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Mobile, Ala.

**LABEL, IN PART:** "Cream of Texas Tomatoes \* \* \* Packed by Rio-Tex Products Co. Weslaco, Tex."

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

**DISPOSITION:** October 10, 1947. C. L. Skaggs, trading as the Rio-Tex Products 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 Food and Drug Administration.

**12969. Misbranding of canned tomatoes. U. S. v. 299 Cases \* \* \*. (F. D. C. No. 23846. Sample No. 20678-H.)**

**LIBEL FILED:** October 14, 1947, District of Nebraska.

**ALLEGED SHIPMENT:** On or about July 24, 1947, by the Cherokee County Canning Co., from Rusk, Tex.

**PRODUCT:** 299 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Norfolk, Nebr.

**LABEL, IN PART:** "CCC Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below 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 since the color of the tomatoes was not of the strength and redness required by the standard, and it was not labeled as substandard, as required by the regulations.

**DISPOSITION:** March 12, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On March 25, 1945, an amended decree was entered ordering that the product be delivered for the use of charitable institutions.

**12970. Misbranding of canned tomatoes. U. S. v. 260 Cases, etc. (F. D. C. No. 24120. Sample Nos. 20234-K to 20236-K, incl.)**

**LIBEL FILED:** November 25, 1947, District of Nebraska.

**ALLEGED SHIPMENT:** On or about August 9 and 20, 1947, by the Allen Canning Company, from Siloam Springs, Ark.

**PRODUCT:** Tomatoes. 1,343 cases, each containing 24 1-pound, 3-ounce cans, and 574 cases, each containing 6 6-pound, 6-ounce cans, at Omaha, Nebr.

**LABEL, IN PART:** "King of Ozarks Brand Standard Grade Tomatoes \* \* \* Packed By Robinson Canning Co., Siloam Springs," or "Allen Hi-Grade Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes, and the labels failed to bear a statement that the product was substandard. In a portion of the product (260 cases), the drained weight and the strength and redness of color of the tomatoes did not conform to the regulations; in the remainder, the strength and redness of color did not conform to the regulations, and the product contained peel in excess of the amount permitted by the regulations.

Further misbranding, Section 403 (a), the statement "Standard Grade" was false and misleading, since the article was of substandard quality.

**DISPOSITION:** February 6, 1948. D. E. Allen, Delbert Allen, Jr., and Irma Faye Allen, trading as the Allen Canning Co. and the Robinson Canning Co., claimants, having admitted the material allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product

was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**12971. Misbranding of canned tomatoes. U. S. v. 144 Cases \* \* \*. (F. D. C. No. 23665. Sample No. 83194-H.)**

**LIBEL FILED:** August 29, 1947, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about June 23, 1947, by the Elsa Canning Co., from Elsa, Tex.

**PRODUCT:** 144 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Louisville, Ky.

**LABEL, IN PART:** "Ro-May Brand Tomatoes."

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

**DISPOSITION:** April 24, 1948. Default decree of condemnation and destruction.

**12972. Adulteration of tomato catsup. U. S. v. 1,974 Cases \* \* \*. (F. D. C. No. 22190. Sample No. 76143-H.)**

**LIBEL FILED:** January 22, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 8, 1946, by the Sardik Food Products Corporation, from Shirley, Ind.

**PRODUCT:** 1,974 cases, each containing 6 unlabeled No. 10 cans, of tomato catsup at New York, N. Y.

**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 15, 1947. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**12973. Adulteration of tomato catsup. U. S. v. 99 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 23995, 24003. Sample Nos. 26091-K, 26095-K.)**

**LIBELS FILED:** December 1 and 3, 1947, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 24, 1947, by the Naas Corporation of Indiana, from Portland, Ind.

**PRODUCT:** 143 cases, each containing 24 14-ounce bottles, of tomato catsup at St. Louis, Mo.

**LABEL, IN PART:** "Naas Supreme Tomato Catsup," or "Happy Home Brand Tomato Catsup \* \* \* Wulffing Grocer Co., Distributors, St. Louis, Mo."

**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 24, 1947, and January 2, 1948. Default decrees of condemnation and destruction.

**12974. Adulteration of tomato catsup. U. S. v. 128 Cases \* \* \*. (F. D. C. No. 24471. Sample No. 15129-K.)**

**LIBEL FILED:** March 9, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 24, 1948, by the Montpelier Food Products Corporation, of Montpelier, Ind., from Swedesboro, N. J.

**PRODUCT:** 128 cases, each containing 6 6-pound, 12-ounce cans, of tomato catsup at Chicago, Ill.

**LABEL, IN PART:** "Hurff Tomato Catsup \* \* \* Packed by Edgar F. Hurff Company Swedesboro, New Jersey."

**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:** May 3, 1948. Default decree of condemnation and destruction.