

DISPOSITION: July 21, 1948, and January 7, 1949. Somerset Packing Co., Inc., claimant for the Maine lot, and the Salem Packing Co., claimant for the West Virginia lot, having admitted that the product was misbranded, judgments of condemnation were entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

14469. Misbranding of canned tomatoes. U. S. v. 571 Cases \* \* \*. (F. D. C. No. 25517. Sample Nos. 23249-K, 23250-K.)

LIBEL FILED: September 7, 1948, Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 24 and July 5, 1948, by the Elsa Canning Co., from Elsa, Tex.

PRODUCT: 571 cases of canned tomatoes at Lake Charles, La. Some of the cases contained 48 10-ounce cans and some contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Valley Rose Hand Packed Tomatoes \* \* \* Packed by Mission Food Products Company, Mission, Texas," or "Ro-May Brand Tomatoes."

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 14, 1948. Kelly-Weber & Co., Lake Charles, La., having appeared as claimant, judgment was entered providing for the release of the product under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency. In accordance with the decree, action was taken to relabel the product.

14470. Adulteration and misbranding of canned tomatoes. U. S. v. 491 Cases \* \* \*. (F. D. C. No. 23982. Sample No. 632-K.)

LIBEL FILED: November 21, 1947, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 23, 1947, by the Belmont Canning Co., from Threeway, Va.

PRODUCT: 491 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Thomasville, Ga.

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

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

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: December 24, 1947. Default decree of condemnation and destruction.

14471. Adulteration and misbranding of tomatoes in sauce. U. S. v. 874 Cases \* \* \*. (F. D. C. No. 26125. Sample No. 10105-K.)

LIBEL FILED: December 14, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about September 30, 1948, by Safier-Phillips, from Mays Landing, N. J.

PRODUCT: 874 cases, each containing 6 cans, of tomatoes in sauce at New York, N. Y.

**LABEL, IN PART:** (Can) "Contents 6 Lbs. 8 Ozs., Marco Brand Italian Style Peeled Tomatoes Pizza Sauce Packed \* \* \* by Atlantic Canning Co. Mays Landing, N. J."

**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 of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the article failed to bear an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** January 14, 1949. Default decree of condemnation and destruction.

**14472. Adulteration of tomato catsup. U. S. v. 90 Cases \* \* \*. (F. D. C. No. 26833. Sample No. 45775-K.)**

**LABEL FILED:** March 7, 1949, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about November 4, 1948, by Frazier's Fine Foods, Inc., from Alexandria, Ind.

**PRODUCT:** 90 cases, each containing 6 14-ounce cans, of tomato catsup at St. Louis, Mo.

**LABEL, IN PART:** "Red Crown Tomato Catsup Contents 14 Ozs. Alexandria Packing Co. Alexandria, Indiana."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** April 4, 1949. Default decree of condemnation and destruction.

**14473. Adulteration of tomato catsup. U. S. v. 27 Cases \* \* \*. (F. D. C. No. 24583. Sample No. 19260-K.)**

**LABEL FILED:** April 1, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 20, 1948, by the Morgan Packing Co., from Austin, Ind.

**PRODUCT:** 27 cases, each containing 6 7-pound, 3-ounce cans, of tomato catsup at Akron, Ohio.

**LABEL, IN PART:** "Scott Co. Tomato Catsup."

**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 12, 1948. Default decree of condemnation and destruction.

**14474. Adulteration of tomato puree. U. S. v. Elmer Netzley (Netzley's Cannery). Plea of guilty. Fine, \$200. (F. D. C. No. 26302. Sample Nos. 20410-K, 45725-K.)**

**INFORMATION FILED:** December 21, 1948, Southern District of Ohio, against Elmer Netzley, an individual, trading as Netzley's Cannery, Laura, Ohio.

**ALLEGED SHIPMENT:** On or about June 7, 1948, from the State of Ohio into the State of Missouri.

**LABEL, IN PART:** "Tops-Em Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.