

**DISPOSITION:** June 28, 1949. Default decree of condemnation and destruction.

**14848. Misbranding of canned tomatoes. U. S. v. 48 Cases \* \* \* (F. D. C. No. 26632. Sample No. 46115-K.)**

**LABEL FILED:** On or about March 22, 1949, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about October 5, 1948, by the Allen Canning Co., from Siloam Springs, Ark.

**PRODUCT:** 48 cases, each containing 6, 6-pound, 6-ounce cans, of tomatoes at Carthage, Mo.

**LABEL, IN PART:** "The Allens Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and since it contained excessive tomato peel and excessive blemishes; and its label failed to bear a statement that it fell below the standard.

**DISPOSITION:** May 25, 1949. Default decree ordering the product delivered to a charitable institution.

**14849. Adulteration of tomato puree. U. S. v. 1,272 cases \* \* \*. Tried to a jury; verdict for the Government. Product condemned and destroyed. (F. D. C. No. 19287. Sample No. 6124-H.)**

**LABEL FILED:** March 2, 1946, Northern District of New York.

**ALLEGED SHIPMENT:** On or about November 8, 1945, by the Capolino Packing Corp., from Atwater, Calif.

**PRODUCT:** 1,272 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Utica, N. Y.

**LABEL, IN PART:** "Tioga Fancy Tomato Puree."

**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:** October 31, 1947. The Scientific Nutrition Corp., Atwater, Calif., having appeared as claimant, the case came on for trial before a jury, which returned a verdict for the Government. On December 5, 1947, a decree was entered condemning the product and ordering it disposed of in compliance with the law. On December 18, 1947, the claimant moved to show cause why the merchandise should not be released for export to Cuba. The matter was argued before the court on December 30, 1947, and was taken under advisement. On August 7, 1948, the court denied the claimant's motion to export and ordered the product destroyed by the marshal.

**14850. Adulteration of tomato puree. U. S. v. 1,498 Cases \* \* \* (and 1 other seizure action.) (F. D. C. Nos. 19024, 19728. Sample No. 8179-H.)**

**LABELS FILED:** February 5 and May 1, 1946, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 7, 1945, by the Capolino Packing Corp., Atwater, Calif.

**PRODUCT:** 1,725 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at New York.

**LABEL, IN PART:** "Torino Fancy Tomato Puree \* \* \* Italian Style Packed in Calif. Distributors J. Ossola Co. New York, N. Y. Pittsburgh, Pa."