

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

DISPOSITION: December 16, 1949. Default decree of condemnation. The court ordered that the product be delivered to a public institution for its use and not for sale.

15444. Adulteration of tomato puree. U. S. v. 79 Cases * * *. (F. D. C. No. 28051. Sample No. 62653-K.)

LIBEL FILED: On or about October 20, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 10, 1949, by James Ferrera & Sons, Inc., from Boston, Mass.

PRODUCT: 79 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Providence, R. I.

LABEL, IN PART: (Can) "Valley Brand Tomato Puree * * * Packed By Del Paso Canning Co., North Sacramento California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical composition, and it was otherwise unfit for food by reason of its metallic flavor.

DISPOSITION: November 30, 1949. Default decree of condemnation and destruction.

15445. Adulteration of tomato puree. U. S. v. 77 Cases * * *. (F. D. C. No. 28060. Sample No. 62615-K.)

LIBEL FILED: October 18, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 21, 1948, from Sacramento, Calif.

PRODUCT: 77 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition, and it was otherwise unfit for food by reason of its metallic flavor. The article was adulterated while held for sale after shipment in interstate commerce.

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

15446. Adulteration of tomato puree. U. S. v. 49 Cases * * *. (F. D. C. No. 26916. Sample No. 51621-K.)

LIBEL FILED: April 5, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about March 15, 1949, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 49 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Louisville, Ky.

LABEL, IN PART: "Scott Co. Tomato Puree."

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.