

added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive tomato peel and its label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** November 29, 1949. Default decree of condemnation. The court ordered that the product be delivered to a county institution.

**15540. Adulteration and misbranding of canned tomatoes. U. S. v. 497 Cases \* \* \*. (F. D. C. No. 27845. Sample No. 47623-K.)**

**LIBEL FILED:** September 16, 1949, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about July 22, 1949, by A. W. Sisk & Son and W. T. Andrews, from Cambridge, Md.

**PRODUCT:** 497 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Norfolk, Va.

**LABEL, IN PART:** (Can) "Red-Glo Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an article containing added water had been substituted in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient in the definition and standard.

**DISPOSITION:** November 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

## NUTS AND NUT PRODUCTS

**15541. Adulteration of brazil nuts. U. S. v. 50 Cases \* \* \*. (F. D. C. No. 28287. Sample No. 13989-K.)**

**LIBEL FILED:** November 10, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 28, 1949, by Graham Co., Inc., from New York, N. Y.

**PRODUCT:** 50 cases, each containing 24 1-pound bags, of brazil nuts at Philadelphia, Pa.

**LABEL, IN PART:** (Bag) "Brazil Redbow Nuts."

**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 moldy and rancid nuts.

**DISPOSITION:** November 30, 1949. No claimant having appeared, judgment of condemnation was entered and the court ordered that the product be destroyed.

**15542. Adulteration of shelled pecans. U. S. v. 8 Boxes \* \* \*. (F. D. C. No. 27995. Sample No. 48427-K.)**

**LIBEL FILED:** September 22, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 16, 1949, by the Orangeburg Pecan Co., from Orangeburg, S. C.

**PRODUCT:** 8 30-pound boxes of shelled pecans at Philadelphia, Pa.

**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 insects.

**DISPOSITION:** October 24, 1949. Default decree of condemnation and destruction.