

**LABEL, IN PART:** (Can) "Sultana Grade B Tomatoes Net Wt. 1 Lb. 3 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short weight.)

Further 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, Section 403 (h) (2), it fell below the standard of fill of container for canned tomatoes since the fill of its container was less than 90 percent of the total capacity of the container. The product was not labeled to show that it fell below the standard of quality and fill of container.

**DISPOSITION:** January 12, 1950. A Lustig, Inc., Hamlin, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

**15741. Adulteration of canned tomatoes. U. S. v. 250 Cases \* \* \*. (F. D. C. No. 28263. Sample No. 13840-K.)**

**LABEL FILED:** November 1, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 4, 1949, by Peter A. Capizola, from Buena, N. J.

**PRODUCT:** 250 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Relco Brand \* \* \* Tomatoes."

**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 maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 21, 1949. Default decree of condemnation and destruction.

**15742. Adulteration and misbranding of canned tomatoes. U. S. v. 130 Cases \* \* \*. (F. D. C. No. 27900. Sample No. 52011-K.)**

**LABEL FILED:** October 7, 1949, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 12, 1949, by White & Nelson, from Cambridge, Md.

**PRODUCT:** 130 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Cleveland, Ohio.

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

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

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

**DISPOSITION:** January 27, 1950. Default decree of condemnation and destruction. On February 1, 1950, an amended decree was entered, providing for the delivery of the product to charitable institutions.