

TOMATOES AND TOMATO PRODUCTS*

15788. Adulteration of canned tomatoes. U. S. v. 750 Cases * * *. (F. D. C. No. 28366. Sample No. 47538-K.)

LIBEL FILED: November 18, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about September 20, 1949, by Vincent Losito & Sons, from Toughkenamon, Pa.

PRODUCT: 750 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hornell, N. Y.

LABEL, IN PART: "N & N * * * Hand Packed Tomatoes * * * Packed by Earl K. and John H. Norris, Pomeroy, 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 fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 27, 1950. Default decree of condemnation and destruction.

15789. Adulteration of canned tomatoes. U. S. v. 74 Cases * * *. (F. D. C. No. 28354. Sample No. 71980-K.)

LIBEL FILED: November 15, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 28, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

PRODUCT: 74 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Columbus, Ohio.

LABEL, IN PART: "White Fairy Brand Tomatoes."

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: On or about January 30, 1950. Default entered. The court ordered that the product be delivered to a Federal institution, for use as stock feed.

15790. Adulteration and misbranding of canned tomatoes. U. S. v. 808 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 27961, 28058, 28243, 28364. Sample Nos. 13588-K, 56790-K, 56791-K, 63013-K.)

LIBELS FILED: October 17 and 28 and November 3 and 19, 1949, Northern District of New York, District of Maine, and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 16 and 17 and September 3 and 15, 1949, by A. W. Sisk & Son, from Federalsburg, Linkwood, Salem, Swards, and Cambridge, Md.

PRODUCT: 2,699 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Albany and Cohoes, N. Y., Bangor, Maine, and Primos, Pa.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes * * * Albert W. Sisk & Son, Distributors—Not Manufacturers" and "Garden of Eden Brand Tomatoes * * * Packed By W. H. Leonard & Sons Cambridge, Maryland."

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 defi-

*See also Nos. 15752-15754.