

dition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in the definition and standard. Further misbranding, Section 403 (h) (1), a portion (124 cases) of the article was substandard in quality because of the presence of excessive peel, and its label failed to bear a statement that it was below standard.

**DISPOSITION:** November 29, 1949, and January 5, 26, and 28, 1950. Default decrees of condemnation. The court ordered that 1 lot of the product be destroyed and that the other three lots of the product be delivered to charitable institutions for their use, and not for sale.

**15791. Misbranding of canned tomatoes. U. S. v. 978 Cases \* \* \*. (F. D. C. No. 27232. Sample No. 1235-K.)**

**LIBEL FILED:** May 25, 1949, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about November 12 and 18, 1948, by the Powell Brokerage Co., from Litwalton, Va.

**PRODUCT:** 978 cases, each containing 24 cans, of tomatoes at Rockingham, N. C.

**LABEL, IN PART:** (Can) "Ridgefield Brand Tomatoes 1 Lb. 3 Oz. Net Packed by Virginia Food Products, Ltd., Litwalton, Va."

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

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes, because of excessive peel and blemishes, and the label failed to bear a statement that the article fell below such standard.

**DISPOSITION:** March 17, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use, and not for sale.

**15792. Misbranding of canned tomatoes. U. S. v. 747 Cases \* \* \*. (F. D. C. No. 28363. Sample No. 56789-K.)**

**LIBEL FILED:** November 19, 1949, Northern District of New York.

**ALLEGED SHIPMENT:** On or about August 17, 1949, by Albert W. Sisk & Son, from Salem, Md.

**PRODUCT:** 747 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Troy, N. Y.

**LABEL, IN PART:** (Can) "Pine Cone Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes, because of excessive peel, and the label failed to bear a statement that the article fell below such standard.

**DISPOSITION:** January 26, 1950. Default decree of condemnation and destruction.

**15793. Adulteration of tomato puree. U. S. v. 377 Cases \* \* \*. (F. D. C. No. 28601. Sample No. 41959-K.)**

**LIBEL FILED:** December 27, 1949, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about October 10, 1949, by the Blue River Packing Co., from Morristown, Ind.

**PRODUCT:** 377 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Milwaukee, Wis.

**LABEL, IN PART:** "Roundy's White Label 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:** January 27, 1950. Default decree of condemnation and destruction.

**15794. Adulteration of tomato sauce. U. S. v. 125 Cases \* \* \*. (F. D. C. No. 27939. Sample No. 54265-K.)**

**LIBEL FILED:** October 24, 1949, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about July 18, 1949, by the Sabine Valley Canning Co., Haslam, Tex.

**PRODUCT:** 125 cases of tomato sauce at Shreveport, La.

**LABEL, IN PART:** "Sabine Valley Brand Tomato Sauce."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and insect eggs, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

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

## NUTS

**15795. Adulteration of cashew nuts. U. S. v. 57 Tins \* \* \*. (F. D. C. No. 27943. Sample No. 32539-K.)**

**LIBEL FILED:** October 25, 1949, Northern District of California.

**ALLEGED SHIPMENT:** On or about July 26, 1949, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

**PRODUCT:** 57 25-pound tins of cashew nuts at San Francisco, Calif.

**LABEL, IN PART:** "Shelled Cashew Nuts Packed by Danalaxmi Vilas Cashew Company, Quilon, S. India" and "Blanched Cashew Kernels Packed By Southern India Cashew Co., Kundara, S. India."

**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:** December 7, 1949. Wm. A. Higgins & Co., Inc., 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 for the purposes of fumigation, reconditioning, and otherwise bringing the product into compliance with the law, under the supervision of the Federal Security Agency. A total of 190 pounds of the product was found unfit and was denatured out of the total of 1,401 pounds which actually had been seized.

**15796. Adulteration of mixed nuts and brazil nuts. U. S. v. 50 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 27960, 27966. Sample Nos. 46750-K, 46751-K.)**

**LIBELS FILED:** November 4, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 22 and October 13, 1949, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

**PRODUCT:** 50 cases, each containing 25 1-pound packages, of brazil nuts, and 48 cases, each containing 25 1-pound packages, of mixed nuts, at Pittsburgh, Pa.