

**ALLEGED SHIPMENT:** On or about October 7, 1949, by the Hershel California Fruit Products Co., from San Jose, Calif.

**PRODUCT:** 996 cases, each containing 24 cans, of peeled tomatoes and puree at Brooklyn, N. Y.

**LABEL, IN PART:** (Can) "Pacific Star Italian Style Peeled Tomatoes and Puree \* \* \* Contents 1 Lb. 12 Oz. Met. Equiv. 794 Grams."

**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.)

**DISPOSITION:** February 16, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

**15888. Adulteration and misbranding of tomato puree. U. S. v. 100 Cases**  
\* \* \* (F. D. C. No. 28279. Sample No. 54286-K.)

**LIBEL FILED:** November 9, 1949, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about September 23, 1949, by the Akin Products Co., from Mission, Tex.

**PRODUCT:** 100 cases, each containing 6 No. 10 cans, of tomato puree at Shreveport, La.

**LABEL, IN PART:** "Val-Tex Brand Tomato Puree Net Contents 4 $\frac{3}{4}$  Oz. Avoir."

**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.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained approximately 6 pounds and 6 ounces.) Further misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

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

**15889. Adulteration and misbranding of tomato puree. U. S. v. 39 Cases**  
\* \* \* (and 1 other seizure action). (F. D. C. Nos. 28516, 28517.  
Sample Nos. 54665-K, 54666-K.)

**LIBELS FILED:** January 12, 1950, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about October 1 and November 10, 1949, by the Akin Products Co., from Mission, Tex.

**PRODUCT:** 98 cases, each containing 6 10-pound cans, of tomato puree at New Orleans, La.

**LABEL, IN PART:** (Can) "Val-Tex Brand Tomato Puree Net Contents 4 $\frac{3}{4}$  Oz. Avoir."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product contained decomposed tomato material.)