

**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.)

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans were short of the declared weight.) 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 14, 1950. Default decrees of condemnation and destruction.

**15890. Adulteration of tomato puree. U. S. v. 21 Cases \* \* \*. (F. D. C. No. 28431. Sample No. 64152-K.)**

**LIBEL FILED:** December 8, 1949, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 4 and 9, 1949, by the Lomax Canning Co., from Lomax, Ill.

**PRODUCT:** 21 cases, each containing 6 cans, and each can containing 6 pounds, 8 ounces, of tomato puree at Burlington, Iowa.

**LABEL, IN PART:** "Mississippi Valley Brand Tomato Puree."

**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:** February 15, 1950. Default decree of condemnation and destruction.

## NUTS AND NUT PRODUCTS

**15891. Adulteration of mixed nuts. U. S. v. 10 Bags, etc. (F. D. C. Nos. 28405, 28406. Sample Nos. 43638-K, 43640-K.)**

**LIBEL FILED:** December 5, 1949, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about November 4, 1949, by the Robert L. Berner Co., from Chicago, Ill.

**PRODUCT:** Mixed nuts. 10 25-pound bags and 14 50-pound bags at Owensboro, Ky.

**LABEL, IN PART:** "Mixed Nuts St. Nick Brand [or "Holiday Brand"]."

**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 nuts, and it was otherwise unfit for food by reason of the presence of empty shells.

**DISPOSITION:** February 9, 1950. Default decree of condemnation and destruction.

**15892. Adulteration of brazil nuts. U. S. v. 2 Bags \* \* \*. (F. D. C. No. 28589. Sample No. 61192-K.)**

**LIBEL FILED:** December 20, 1949, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about November 26, 1949, by the Robert L. Berner Co., from Chicago, Ill.

**PRODUCT:** 2 100-pound bags of brazil nuts at St. Louis, Mo.

**LABEL, IN PART:** "Holiday Brazil Nuts."