

**ALLEGED SHIPMENT:** On or about August 8, 1951, by Roberts Brothers, Inc., from Baltimore, Md.

**PRODUCT:** 198 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at New Orleans, La.

**LABEL, IN PART:** (Can) "Roberts Big R Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes (the drained weight of the contents of the container of the article was less than 50 percent of the weight of water required to fill the container), and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** November 9, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

**18083. Misbranding of canned tomatoes. U. S. v. 142 Cases \* \* \*. (F. D. C. No. 31679. Sample No. 37441-L.)**

**LIBEL FILED:** September 12, 1951, District of New Jersey.

**ALLEGED SHIPMENT:** On or about August 8, 1951, by A. W. Sisk & Son, from Salem, Md.

**PRODUCT:** 142 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Newark, N. J.

**LABEL, IN PART:** (Can) "Salem Brand Tomatoes \* \* \* Packed By Salem Packing Co.; Thos. J. Gaulkner & Sons, Salem, Md."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article purported to be and was represented as canned tomatoes, and its quality 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:** October 30, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions if examination by the Food and Drug Administration disclosed that the product was fit for human consumption. The product was found to be fit and was delivered to various institutions.

**18084. Misbranding of canned tomatoes. U. S. v. 34 Cases \* \* \*. (F. D. C. No. 31710. Sample No. 12929-L.)**

**LIBEL FILED:** September 18, 1951, District of Colorado.

**ALLEGED SHIPMENT:** On or about August 7, 1951, by the Elsa Canning Co., Elsa, Tex.

**PRODUCT:** 34 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Denver, Colo.

**LABEL, IN PART:** (Can) "Tomatoes \* \* \* Ro-Tel Brand."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because the strength and redness of color of the article was less than that prescribed by the standard, and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** October 31, 1951. The Elsa Canning Co. having executed an acceptance of service and an authorization for taking of a final decree, judgment of condemnation was entered against the one case of the article which