

TOMATOES AND TOMATO PRODUCTS

18787. Adulteration of canned tomatoes. U. S. v. 136 Cases * * *. (F. D. C. No. 32136. Sample No. 20888-L.)

LIBEL FILED: November 30, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about August 25, 1951, by the Rush Canning Co., from Exeter, Mo.

PRODUCT: 136 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Natchitoches, La.

LABEL, IN PART: "Satisfaction Brand."

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 fly eggs and maggots; and, Section 402 (a) (4) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 29, 1952. Default decree of condemnation and destruction.

18788. Misbranding of canned tomatoes. U. S. v. 698 Cases * * *. (F. D. C. No. 31925. Sample No. 4061-L.)

LIBEL FILED: November 21, 1951, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about August 25, 1951, by the Lake Packing Co., from Lake, Va.

PRODUCT: 698 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Greenville, N. C.

LABEL, IN PART: "Red-Glo Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container 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 product fell below the standard.

DISPOSITION: February 14, 1952. The Lake Packing Co., 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 to be relabeled, under the supervision of the Food and Drug Administration.

18789. Misbranding of canned tomatoes. U. S. v. 648 Cases * * *. (F. D. C. No. 31677. Sample No. 3779-L.)

LIBEL FILED: On or about September 14, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about July 30, 1951, by A. W. Sisk & Son, from Preston, Md., to Braddock, Pa., and from there returned to the manufacturer, the Salem Packing Co., at Salem, Md.

PRODUCT: 648 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Salem, Md.

LABEL, IN PART: (Can) "Salem Brand Tomatoes."

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 since the label designation "Contents 1 Lb. 3 Oz." was inaccurate (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 the label failed to bear a statement that the article fell below such standard; and, Section 403 (h) (2), the article fell below the standard of fill of container for canned tomatoes since the container of the article was filled to less than 90 percent of the total capacity of the container, the minimum permitted by such standard, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: October 19, 1951. The Salem Packing Co. having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

18790. Adulteration of tomato juice. U. S. v. 43 Cases * * *. (F. D. C. No. 30959. Sample No. 30177-L.)

LIBEL FILED: On or about July 19, 1951, District of Montana.

ALLEGED SHIPMENT: On or about March 29, 1951, by the Naas Corp. of Indiana, from Portland, Ind.

PRODUCT: 43 cases, each containing 48 5 $\frac{3}{4}$ -ounce cans, of tomato juice at Billings, Mont.

LABEL, IN PART: "Pep-To Brand Pure Tomato Juice."

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: June 30, 1952. Default decree of condemnation. The court ordered that the product be denatured and delivered to a State institution, for use as animal feed.

18791. Adulteration of tomato puree. U. S. v. 19 Cases * * *. (F. D. C. No. 32332. Sample No. 26097-L.)

LIBEL FILED: January 4, 1952, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 2, 1951, by R. S. Watson & Son, from Greenwich, N. J.

PRODUCT: 19 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Wilkes-Barre, Pa.

LABEL, IN PART: (Can) "Greenwich Brand Tomato Puree."

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, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 4, 1952. Default decree of condemnation and destruction.

NUTS

18792. Adulteration of shelled almonds. U. S. v. 60 Pounds * * *. (F. D. C. No. 32263. Sample No. 16557-L.)

LIBEL FILED: December 4, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about September 19, 1951, from San Francisco, Calif.

PRODUCT: 60 pounds of shelled almonds in 3 cans at Kansas City, Kans.