

CHARGE: 402(a)(3)—contained *Drosophila* flies, *Drosophila* fly fragments and larvae, and other insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-3-63. Consent—claimed by M. M. Uchida, t/a California Zucca Melon Products, and reconditioned.

### TOMATOES AND TOMATO PRODUCTS

28868. Canned tomatoes. (F.D.C. No. 48452. S. No. 10-166 V.)

QUANTITY: 85 cases, each containing 24 1-lb. cans, at Republic, Pa.

SHIPPED: 9-24-62, from Vienna, Md., by Royal Packing Co., Inc.

LABEL IN PART: (Can) "Royal Highness Brand Tomatoes Packed and/or Distributed By Royal Packing Co., Inc., Vienna, Md."

LIBELED: 11-16-62, W. Dist. Pa.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 12-20-62. Default—destruction.

28869. Canned tomatoes. (F.D.C. No. 48422. S. No. 40-697 V.)

QUANTITY: 250 cases, each containing 24 1-lb. 12-oz. cans, at Brooklyn, N.Y.

SHIPPED: 10-16-62, from Buena Park, Calif., by Uddo & Taormina Corp. of California.

LABEL IN PART: (Can) "Progresso Italian Style Peeled Tomatoes With Basil \* \* \* Packed By Uddo & Taormina Corp. of California Buena Park, California."

LIBELED: 1-2-63, E. Dist. N.Y.

CHARGE: 403(h)(1)—when shipped, the article fell below the standard of quality for canned tomatoes since it contained tomato peel, per pound of canned tomatoes in the container, which covered an area of more than one square inch; and its label failed to bear, in such manner and form as the regulations specified, a statement that it fell below such standard.

DISPOSITION: 2-18-63. Consent—claimed by Uddo & Taormina Corp., Brooklyn, N.Y., and relabeled.

28870. Canned tomatoes. (F.D.C. No. 48625. S. No. 857 V.)

QUANTITY: 615 cases, each containing 6 6-lb. 6-oz. cans, at La Grange, Ga.

SHIPPED: 10-30-62, from Preston, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Red-Glo Peeled Tomatoes \* \* \* Albert W. Sisk and Son—Distributors—Not Manufacturers—Main Office, Preston, Md., Sales Office, Aberdeen, Md."

LIBELED: 2-1-63, N. Dist. Ga.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 4-1-63. Default—destruction.

28871. Tomato juice. (F.D.C. No. 48438. S. No. 16-391 V.)

QUANTITY: 364 cases, each containing 24 12-oz. cans, at Lancaster, Ky.

SHIPPED: Between 8-15-62 and 9-26-62, from Trafalgar, Ind., by Kenneth N. Rider Co., Inc.