

DISPOSITION: 10-11-62. Consent—claimed by Catz American Co., Inc., and destroyed after an unsuccessful attempt at reconditioning.

### TOMATOES AND TOMATO PRODUCTS

28972. Canned tomatoes. (F.D.C. No. 48480. S. No. 36-831 V.)

QUANTITY: 698 cases, each containing 24 1-lb. cans, at Selma, Ala.

SHIPPED: 7-2-62, from Okeechobee, Fla., by Markham Bros. & Co.

LABEL IN PART: (Can) "Oak Hill Tomatoes \* \* \* Packed \* \* \* by Markham Bros. and Company. Main Office Okeechobee, Florida."

LIBELED: 12-11-62, S. Dist. Ala.

CHARGE: 403(h) (1)—when shipped, the article 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 the water required to fill the container, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 5-1-63. Consent—claimed by Markham Bros. & Co., and released under bond for relabeling.

28973. Canned tomatoes. (F.D.C. No. 48829. S. No. 59-036 V.)

QUANTITY: 57 cases, each containing 24 1-lb. 12-oz. cans, at Philadelphia, Pa.

SHIPPED: On unknown date, by an unknown shipper.

LABEL IN PART: (Can) "JD Garden Gem Tomatoes \* \* \* Distributed By J. T. Harrison & Associates Easton, Maryland."

RESULTS OF INVESTIGATION: The articles were identified as having been packed by the Defender Packing Co., Trappe, Md.

LIBELED: 3-28-63, E. Dist. Pa.

CHARGE: 403(a) (3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 7-10-63. Default—destruction.

28974. Canned tomato paste. (F.D.C. No. 48974. S. Nos. 67-841/2 V.)

QUANTITY: 118 cases, each containing 48 6-oz. cans, and 9 cases, each containing 96 6-oz. cans, at Greenville, S.C.

SHIPPED: 4-1-61, from Fullerton, Calif.

LIBELED: On or about 6-3-63, W. Dist. S.C.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 7-2-63. Consent—destruction.

28975. Tomato puree. (F.D.C. No. 48441. S. No. 2-381 V.)

QUANTITY: 175 cases, each containing 6 6-lb. 9-oz. cans, at Atlanta, Ga.

SHIPPED: 9-11-62, from Escalon, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 12-27-62, N. Dist. Ga.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 2-5-63. Default—destruction.

28976. Pizza sauce (tomato product). (F.D.C. No. 48972. S. No. 83-124 V.)

QUANTITY: 47 cases, each containing 6 6-lb. 8-oz. cans, at Port Chester, N.Y.