

Miss.; and charging that it was misbranded. It was labeled in part: (Cans) "Gulf Kist Brand Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1305. Misbranding of canned tomatoes. U. S. v. 1,198 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2538. Sample No. 29118-E.)

This product was substandard in quality because it contained excessive peel and was not labeled to indicate that it was substandard.

On August 13, 1940, the United States attorney for the Middle District of Georgia filed a libel against 598 cases of canned tomatoes at Macon, Ga. On August 22, 1940, the libel was amended to include an additional 600 cases of the product. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about July 23 and August 1, 1940, by J. W. Holloway from Fort Pierce, Fla.; and that it was misbranded. The article was labeled in part: (Cans) "Royal King Brand Tomatoes * * * Pomona Products Co. Main Office Griffin, Ga. [or "Packed by Holloway Canning Co. Ft. Pierce, Florida"]."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 7, 1940, Ruan & Co., Macon, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in accordance with the regulations.

1306. Adulteration of tomato catsup. U. S. v. Beutel Pickling & Canning Co. Plea of guilty. Fine, \$200. (F. D. C. No. 2071. Sample Nos. 75482-D, 81413-D, 81414-D.)

This product contained excessive mold, indicating the presence of decomposed material.

On June 8, 1940, the United States attorney for the Eastern District of Michigan filed an information against the Beutel Pickling & Canning Co., a corporation at Bay City, Mich., alleging shipment on or about September 25 and October 4, 1939, from the State of Michigan into the States of Ohio and Pennsylvania, of quantities of tomato catsup that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Michigan Tomato Catsup"; or "Sunny Boy Brand * * * Tomato Catsup Distributed by Potter-McCune Co. McKeesport, Pa."

On October 1, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

1307. Adulteration of tomato catsup. U. S. v. 13 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2016. Sample No. 13182-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On May 27, 1940, the United States attorney for the District of Idaho filed a libel against 13 cases of tomato catsup at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about April 4, 1940, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Gateway Brand Tomato Catsup * * * Perry Canning Co. Perry, Utah."

The libel also charged adulteration of a lot of canned peas reported in notice of judgment No. 1302 of this supplement.

On June 21, 1940, no claimant having appeared, judgment of condemnation was entered and both products were ordered destroyed.