

and 5 cases each containing 24 cans of turnip greens at Orlando, 104 cases each containing 24 cans of turnip greens at Tampa, and 101 cases each containing 24 cans of turnip greens at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce within the period from on or about November 24, 1941, to on or about March 31, 1942, by the Concord Corporation from Cairo, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Crine's Quality Turnip Greens Contents 6 Lbs. 2 Ozs. [or "1 Lb. 11 Oz." or "1 Lb. 2 Ozs."]."

On June 5 and 26 and July 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

3549. Adulteration and misbranding of canned tomatoes. U. S. v. 1,000 Cases and 2,200 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion and relabeling of remainder. (F. D. C. Nos. 6327, 6363, 6364, 6365. Sample Nos. 67501-E, 67502-E, 67503-E, 67119-E, 67120-E.)

Examination showed that this product was substandard, that a portion was short weight, and that a portion was in part decomposed.

On December 10, 1941, the United States attorney for the Eastern District of Oklahoma filed libels against 1,000 cases of canned tomatoes at Ada, Okla., 600 cases at Hugo, Okla., and 1,600 cases at McAlester, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about September 1, 1941, to on or about September 19, 1941, by Smith Canning Co. from Prairie Grove and Fayetteville, Ark.; and charging that it was misbranded and that a portion was also adulterated. It was labeled in part: "Cowboy Tomatoes Contents 1 Lb. 3 Oz. Hale-Halsell Company Distributors * * * McAlester, Okla."

A portion of the article (2,200 cases) was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The said portion 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 and its quality fell below such standard because the drained weight, as determined by the method prescribed in the standard, was less than 50 percent of the weight of water required to fill the container and its label failed to bear in such manner and form as such regulations specify a statement that it fell below such standard.

The remaining 1,000 cases were alleged to be misbranded (1) in that the statement "Contents 1 Lb. 3 Oz." was false and misleading as applied to an article that was short weight; (2) in that the article was in package form and failed to bear a label containing an accurate statement of the quantity of contents; and (3) in that it purported to be a food for which a standard of fill of container had been prescribed by regulation as provided by law and fell below such standard, since the fill of container was less than 90 percent of the total capacity of the container, and its label failed to bear, in manner and form as specified by law, a statement that it fell below such standard.

On February 7, 1942, the Hale-Halsell Company, claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be destroyed or brought into compliance with the law under the supervision of the Food and Drug Administration. On May 12, 1942, the 1,000 cases that were misbranded only, having been brought into compliance with the law, were ordered delivered to the claimant.

Nos. 3550 to 3569 report actions based on interstate shipment of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

3550. Adulteration of tomato catsup, tomato puree, and tomato paste. U. S. v. Ivan C. Morgan (Morgan Packing Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 5537. Sample Nos. 42237-E, 42714-E, 47147-E, 47421-E, 56581-E, 56584-E, 5373-E, 5375-E.)

On April 10, 1942, the United States attorney for the Southern District of Indiana filed an information against Ivan C. Morgan, trading as Morgan Packing Co. at Austin, Ind., alleging shipment within the period from on or about August 6, 1940, to on or about March 5, 1941, from the State of Indiana into the States of New York, Ohio, Illinois, Kentucky, and Tennessee of quantities of tomato catsup, tomato puree, and tomato paste that were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled variously: