

5046. Misbranding of canned tomatoes. U. S. v. 554 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 8890. Sample No. 9748-F.)

Examination showed this product to be substandard since its drained weight was less than 50 percent of the weight of water required to fill the container, and the quantity of peel per pound of canned tomatoes covered an area of more than 1 square inch.

On November 21, 1942, the United States attorney for the Western District of Louisiana filed a libel against 554 cases of canned tomatoes at Monroe, La., alleging that the article had been shipped in interstate commerce on or about September 22, 1942, by the Alpena Canning Co. from Kensett, Ark.; and charging that it was misbranded (1) 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 (2) in that its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: (Cans) "Alpena Brand Hand Packed Tomatoes."

On July 9, 1943, the Ritchie Grocer Co. of Monroe, La., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5047. Adulteration of tomato catsup. U. S. v. Stockton Food Products, Inc. Plea of guilty to the 2 counts of the information. Fine, \$7,500 on the first count, \$500 on the second count. (F. D. C. No. 8745. Sample Nos. 76905-E, 95012-E.)

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

On December 24, 1942, the United States attorney for the Northern District of California filed an information against the Stockton Food Products, Inc., at Stockton, Calif., alleging (1) that on or about May 16, 1940, the defendant gave to the Harcourt Greene Co. of San Francisco, Calif., a guaranty that all food products sold by the defendant to said company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; (2) that on or about October 21, 1941, the Harcourt Greene Co., relying on the guaranty, entered into a contract with Globe Sales Co. of San Francisco, Calif., for the sale by the Harcourt Greene Co. to the Globe Sales Co. of a quantity of tomato catsup, the contract containing a guaranty that none of the goods sold under the contract would be either adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; and (3) that on or about February 11 and March 18, 1942, the defendant sold and delivered quantities of tomato catsup to the Harcourt Greene Co., and the product was, on or about the same dates, delivered by the latter to the Globe Sales Co. of San Francisco, Calif., and was on or about February 28 and March 19, 1942, delivered for introduction into interstate commerce from California into the States of Rhode Island and Iowa. The information charged further that the defendant, in violation of said act, had given to the Harcourt Greene Co. a guaranty which was false, since the tomato catsup so sold and delivered was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Valley Bloom Brand Tomato Catsup."

On July 6, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$7,500 on the first count of the information and \$500 on the second count.

5048. Misbranding of tomato catsup. U. S. v. 125 Cases of Tomato Catsup. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9604. Sample No. 43912-F.)

This product was short weight, the average shortage being 7.07 percent.

On or about March 24, 1943, the United States attorney for the Western District of Missouri filed a libel against 125 cases, each containing 6 No. 10 cans of tomato catsup at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 15, 1943, by the Perry Canning Co., from Perry, Utah; and charging that it was misbranded. The article was labeled in part: (Cans) "Gateway Brand Tomato Catsup Net Weight 7 Lb. 12 Oz."

The article was alleged to be misbranded in that the statement "Net Weight 7 Lb. 12 Oz." was false and misleading as applied to an article that was short weight; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 4, 1943, the Perry Canning Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.