ALLEGED SHIPMENT: On or about July 29, 1941, by the Barron-Gray Packing Co., San Jose, Calif.

PRODUCT: 10 cases, each containing 24 cans, and 7 cases, each containing 12 cans, of vegetable cocktail at Yakima, Wash.

LABEL, IN PART: "Here's Health Brand Vegetable Cocktail Blended juices of Tomatoes, Carrots, Celery, Parsley."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 19, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

5942. Adulteration of canned tomatoes. U. S. v. 402 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released for sorting and repacking of fit portion, and destruction of remainder. (F. D. C. No. 11507. Sample No. 63059–F.)

LIBEL FILED: December 27, 1943, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about March 26 and September 21, 1942, by the Hougland Packing Co., of Franklin, Ind., from Terre Haute, Ind.

PRODUCT: 402 cases, each containing 6 No. 10 cans, of tomatoes, at Mattoon, Ill.

LABEL, IN PART: (Cans) "Farmers Pride Brand Tomatoes Packed for Hulman & Co. Terre Haute, Ind.—Mattoon, Ill.—Evansville, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article was unfit for food in that a portion of the cans had burst and were leaking, or were swelled preliminary to bursting, and some were rusted.

DISPOSITION: January 6, 1944. Hulman & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released for sorting and repacking of the fit portion and destruction of the remainder, under the supervision of the Food and Drug Administration.

5943. Misbranding of canned tomatoes. U. S. v. 998 Cases and 748 Cases of Tomatoes. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10848. Sample No. 41103–F, 41104–F.)

LIBEL FILED: October 4, 1943, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 31, 1943, by Lee Akin & Sons, McAllen, Tex.

PRODUCT: 1,746 cases, each containing 24 cans, of tomatoes at New Orleans, La.

LABEL, IN PART: "Iona Tomatoes * * * Standard Quality Grade C The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors," or "Sunny South Brand Hand Picked Tomatoes Packed By Lee Akin & Sons McAllen Mission Texas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article was substandard in quality because the strength and redness of color of the tomatoes failed to meet the requirements for color prescribed in the standard; and also because tomato peel per pound of canned tomatoes exceeded the amount permitted for standard quality canned tomatoes, and its label failed to bear the required legend showing that the product fell below the standard.

DISPOSITION: December 1, 1943. Lee Akin & Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

5944. Misbranding of tomatoes. U. S. v. 299 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10971. Sample No. 41505–F.)

LIBEL FILED: On or about November 2, 1943, Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 29, 1943, by Tyrrell & Garth, Inc., Los Fresnos, Tex.

PRODUCT: 299 cases of canned tomatoes at Lake Charles, La.

LABEL, IN PART: "Garth Brand Standard Tomatoes."

VIOLATION CHARGED: Misbranding, Section 403(h)(1), the product was substandard in quality because the strength and redness of color of the tomatoes in the containers failed to meet the requirements for color prescribed by the regulations.