

**PRODUCT:** 9,800 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** "Hopewell Brand Tomatoes \* \* \* Packed By Hopewell Canning Co., Hopewell, Md."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of an excess of tomato peel and blemishes, and its label failed to bear a statement, in accordance with the regulations, that it fell below the standard.

**DISPOSITION:** January 16, 1947. The United Container Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**10456. Misbranding of canned tomatoes. U. S. v. 2,000 Cases \* \* \*. (F. D. C. No. 21805. Sample No. 40477-H.)**

**LIBEL FILED:** October 24, 1946, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about July 25, 1946, by the Baron Canning Co., from Westville, Okla.

**PRODUCT:** 2,000 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Louis, Mo.

**LABEL, IN PART:** "Baron Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes since it failed to meet the requirement for strength and redness of color and since it contained excessive tomato peel and blemishes; and its label failed to bear a statement, as prescribed by the regulations, that it fell below the standard.

**DISPOSITION:** December 27, 1946. The Baron Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law, under the supervision of the Federal Security Agency.

**10457. Misbranding of canned tomatoes. U. S. v. 1,437 Cases \* \* \*. (F. D. C. No. 21644. Sample No. 49956-H.)**

**LIBEL FILED:** November 19, 1946, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about August 19, 1946, by Virginia Food Products, Inc., Litwalton, Va., from Richmond, Va.

**PRODUCT:** 1,437 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sheffield, Ala.

**LABEL, IN PART:** "Ridgefield Brand \* \* \* Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes because of its low drained weight and excessive tomato peel.

**DISPOSITION:** January 27, 1947. Virginia Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

**10458. Misbranding of canned tomatoes. U. S. v. 534 Cases \* \* \*. (F. D. C. No. 21950. Sample No. 61782-H.)**

**LIBEL FILED:** December 19, 1946, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about September 12, 1946, by Seiter's, Inc., from Post Falls, Idaho.

**PRODUCT:** 534 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Spokane, Wash.

**LABEL, IN PART:** "Blue and White Tomatoes \* \* \* Red & White Corp'n. Distributors, Chicago, Ill."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article was sub-standard in quality because the drained weight was less than 50 percent of the weight of water required to fill the container.