

Tomato puree. 449 cases at Washington, D. C.; 900 cases at Norfolk, Va.; and 279 cases at New York, N. Y.

Each case of canned tomatoes contained 24 1-pound, 3-ounce cans, and each case of tomato puree contained 6 6-pound, 8-ounce cans.

LABEL, IN PART: "Pride Brand Tomatoes * * * Packed by B. E. Harrington & Son, Taylors Island, Md.," "Red-Glo Tomatoes," "Kent Farm Brand Tomatoes Albert W. Sisk and Son Distributors—Not Manufacturers Preston, Maryland," or "Wright's Tomato Puree * * * Packed in U. S. A. by John N. Wright, Jr. Federalsburg, Md."

NATURE OF CHARGE: Tomato puree. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Canned tomatoes. Misbranding, Section 403 (h) (1), the quality of the article was below standard because of an excess of tomato peel and blemishes, and its label failed to bear a statement that it was substandard.

DISPOSITION: Between the dates of January 17 and March 6, 1947. C. Foster Mathews & Sons, Kingston, Md., Wright Brothers, Federalsburg, Md., and B. E. Harrington & Son, Taylors Island, Md., having appeared as claimants for the canned tomatoes, and no claimant having appeared for the tomato puree, judgments of condemnation were entered. It was ordered that the canned tomatoes be released under bond, conditioned that they be relabeled under the supervision of the Federal Security Agency, and that the tomato puree be destroyed, except for such portion of the New York lot as might be required by the Food and Drug Administration.

11686. Adulteration and misbranding of tomato puree. U. S. v. 637 Cases * * *. (F. D. C. No. 21173. Sample No. 67413-H.)

LIBEL FILED: October 8, 1946, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about June 12, 1946, by the Delta Canning Co., from Raymondville, Tex.

PRODUCT: 637 cases, each containing 48 10½-ounce cans, of tomato puree at Tulsa, Okla.

LABEL, IN PART: "Frost Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: October 28, 1946. Default decree of condemnation and destruction.

11687. Misbranding of tomato puree. U. S. v. 197 Cases, etc. (F. D. C. Nos. 20874, 21010. Sample Nos. 1288-H, 1289-H.)

LIBELS FILED: September 13 and 20, 1946, Middle District of Alabama and Middle District of Georgia.

ALLEGED SHIPMENT: On or about June 28, 1946, by the Northwestern Canning & Packing Co., from Seffner, Fla.

PRODUCT: Tomato puree. 197 cases at Dothan, Ala., and 97 cases at Bainbridge, Ga. Each case contained 24 1-pound, 3-ounce cans, of the product.

LABEL, IN PART: "Old Glory Brand Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: October 18 and November 1, 1946. Default decrees of condemnation. The Dothan lot was ordered destroyed, and the Bainbridge lot was ordered delivered to a Federal institution.

11688. Adulteration of tomato sauce. U. S. v. 99 Cases * * *. (F. D. C. No. 21167. Sample No. 59059-H.)

LIBEL FILED: On or about October 14, 1946, District of Montana.

ALLEGED SHIPMENT: On or about June 12, 1946, by Tyrrell & Garth, Inc., from Los Fresnos, Tex.