

**11970. Misbranding of canned tomatoes. U. S. v. 717 Cases \* \* \*. (F. D. C. No. 21662. Sample No. 48976-H.)**

**LIBEL FILED:** November 29, 1946, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about August 28, 1946, by the Crawford Canning Co., from Olvey, Ark.

**PRODUCT:** 717 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hattiesburg, Miss.

**LABEL, IN PART:** "Royal Red Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the product fell below the definition and standard for canned tomatoes by reason of its lack of strength and redness of color and an excess of tomato peel and blemishes per pound of canned tomatoes.

**DISPOSITION:** April 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11971. Misbranding of canned tomatoes. U. S. v. 353 Cases \* \* \*. (F. D. C. No. 21657. Sample No. 51578-H.)**

**LIBEL FILED:** November 25, 1946, District of South Dakota.

**ALLEGED SHIPMENT:** On or about August 27, 1946, by the Gravette Canning Co., from Gravette, Ark.

**PRODUCT:** 353 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sioux Falls, S. Dak.

**LABEL, IN PART:** "Red Aces Brand \* \* \* Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the strength and redness of the article failed to meet the requirements of the standard, and the tomato peel per pound of the article exceeded the amount permitted for standard quality canned tomatoes; and the label failed to bear a statement that the article fell below the standard of quality.

**DISPOSITION:** December 23, 1946. The Gravette Canning Co., claimant, having consented to the entry of a decree, 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 Federal Security Agency.

**11972. Misbranding of canned tomatoes. U. S. v. 222 Cases \* \* \*. (F. D. C. No. 21650. Sample No. 54909-H.)**

**LIBEL FILED:** November 15, 1946, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 2, 1946, by A. W. Sisk & Son, from Kingston, Md.

**PRODUCT:** 222 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Atlanta, Ga.

**LABEL, IN PART:** (Can) "King of the Field Brand \* \* \* Tomatoes Packed by H. P. Tull & Co. Kingston, Md."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes by reason of an excess of tomato peel.

**DISPOSITION:** April 4, 1947. H. P. Tull & Co., Kingston, Md., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

**11973. Misbranding of canned tomatoes. U. S. v. 206 Cases \* \* \*. (F. D. C. No. 21697. Sample No. 25000-H.)**

**LIBEL FILED:** November 12, 1946, Eastern District of Texas.

**ALLEGED SHIPMENT:** On or about September 6, 1946, by the Hinton Food Products Co., from Rogers, Ark.

**PRODUCT:** 206 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Beaumont, Tex.

**LABEL, IN PART:** "Cheerio Brand Hand Packed Tomatoes Distributed by Cannery Exchange, Inc., Springfield, Mo."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article was substandard in quality because of its low drained weight.