

Birmingham lot. Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity, since it contained added water; and, Section 403 (h) (1), it was substandard in quality because of low drained weight.

Hannibal lot. Misbranding, Section 403 (h) (1), the product was substandard in quality because of low drained weight.

DISPOSITION: December 2 and 12, 1946, and April 14 and 28 and May 15 and 26, 1947. The Smith Canning Co., Fayetteville, Ark., the Jordan Stevens Co., Minneapolis, Minn., the C. and C. Co., Galveston, Tex., the Retailers Supply Co., St. Louis, Mo., and the Wetterau Grocer Co., Inc., Hannibal, Mo., claimants for the respective lots of the article, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

12574. Adulteration and misbranding of canned tomatoes. U. S. v. 348 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 23947 to 23949, incl. Sample Nos. 22411-K to 22413-K, incl.)

LIBELS FILED: November 6, 1947, Middle District of Alabama.

ALLEGED SHIPMENT: On or about August 27 and 30 and September 12, 1947, by the Watkins Produce Co., Thomasville, Ga.

PRODUCT: 348 cases at Montgomery, Ala., and 999 cases at Dothan, Ala., each case containing 44 cans of tomatoes.

LABEL, IN PART: "Rich-West Brand Tomatoes * * * Packed by Belmont Canning Company, Threeway, Va."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been processed by heat to prevent spoilage.

DISPOSITION: December 5, 1947. Default decrees of condemnation and destruction.

12575. Adulteration and misbranding of canned tomatoes. U. S. v. 24 Cases * * * (F. D. C. No. 23971. Sample No. 26607-K.)

LIBEL FILED: November 13, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 5, 1947, by the McKnight-Keaton Grocery Co., from Cairo, Ill.

PRODUCT: 24 cases, each containing 6 cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Made to Eat Hand Packed Tomatoes Contents 6 Lbs. 7 Oz. [or "Twin Brand Tomatoes Contents 6 Lbs. 6 Oz."] Packed by Nagle Packing Co., Inc. Paducah, Ky."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: December 10, 1947. Default decree of condemnation and destruction.

12576. Adulteration of canned tomatoes. U. S. v. 100 Cases * * *. (F. D. C. No. 21359. Sample No. 67660-H.)

LIBEL FILED: October 23, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 13, 1946, by the Kuhn Cannning Company, from Bonner Springs, Kans.

PRODUCT: 100 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Joseph, Mo.,

LABEL, IN PART: "Red Raven Hand Packed Tomatoes * * * Distributed By Cannners Exchange, Inc. Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.