ALLEGED SHIPMENT: On or about August 21, 1947, by the Belmont Canning Co., from Threeway, Va.

PRODUCT: 1,939 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Charleston, S. C.

LABEL, IN PART: "Rich-West Brand Tomatoes."

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: March 5, 1948. The Belmont Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

12962. Misbranding of canned tomatoes. U. S. v. 238 Cases * * *. (F. D. C. No. 24342. Sample No. 22264–K.)

LIBEL FILED: February 9, 1948, Northern District of Florida.

ALLEGED SHIPMENT: On or about October 13, 1947, by the Watkins Produce Co., from Thomasville, Ga.

PRODUCT: 238 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Pensacola, Fla. Examination showed that the product was decomposed.

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

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

DISPOSITION: April 7, 1948. Default decree of condemnation and destruction.

12963. Adulteration of canned tomatoes. U. S. v. 445 Cases * * *. (F. D. C. No. 24480. Sample No. 14691–K.)

LIBEL FILED: March 17, 1948, Western District of Michigan.

ALLEGED SHIPMENT: On or about October 30, 1947, by the Cooper Canning Co., from Elwood, Ind.

PRODUCT: 445 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Benton Harbor, Mich.

LABEL, IN PART: "Defiance Tomatoes."

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 fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 29, 1948. Default decree of condemnation. The product was ordered delivered to a State institution, for use as animal feed.

12964. Misbranding of canned tomatoes. U. S. v. 1,798 Cases * * *. (F. D. C. No. 24448. Sample No. 14837–K.)

LIBEL FILED: March 1, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 9, 1948, by Roberts Bros., Inc., from Baltimore, Md.

PRODUCT: 1,798 cases, each containing 48 10-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Roberts Big R Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: April 2, 1948. Messcher & Stock, Inc., Chicago, Ill. claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of