

14255. Adulteration and misbranding of canned tomatoes. U. S. v. 4 Cases * * *. (F. D. C. No. 26022. Sample No. 21670-K.)

LIBEL FILED: November 8, 1948, Western District of Oklahoma; amended lib filed November 24, 1948.

ALLEGED SHIPMENT: On or about August 10, 1948, by Food Products, Inc., from Rusk, Tex.

PRODUCT: 441 cases, each containing 6 6-pounds, 6-ounce cans, of tomatoes : Norman, Okla.

LABEL, IN PART: "Rusk Brand Tomatoes."

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

Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and its label failed to bear the statement that the product fell below such standard.

DISPOSITION: December 29, 1948. Default decree of condemnation and destruction.

14256. Misbranding of canned tomatoes. U. S. v. 75 Cases * * *. (F. D. C. No. 25998. Sample No. 29515-K.)

LIBEL FILED: November 5, 1948, District of Idaho.

ALLEGED SHIPMENT: On or about September 3, 1948, by the Symms Grocer Co. from Salt Lake City, Utah.

PRODUCT: 75 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes : Idaho Falls, Idaho.

LABEL, IN PART: "Glenwood Solid Pack Tomatoes * * * Distributed by The Robbins Canning Co., Inc., Salt Lake City, Utah."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes since the drained weight was less than 50 percent of the weight of water required to fill the container, and it was not labeled as substandard as required by the regulation.

DISPOSITION: January 28, 1949. Default decree of forfeiture. The product was ordered delivered to a charitable institution.

14257. Misbranding of tomato catsup. U. S. v. 34 Cases * * *. (F. D. C. No. 25117. Sample No. 28979-K.)

LIBEL FILED: July 26, 1948, District of Idaho.

ALLEGED SHIPMENT: On or about November 28, 1947, by the Woods Cross Canning Co., from Clearfield, Utah.

PRODUCT: 34 cases, each containing 6 cans, of tomato catsup at Pocatello, Idaho

LABEL, IN PART: "Utah's Favorite Brand Tomato Catsup Net Contents 7 lbs 12 ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (The article was short-weight.)