

Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 8 and March 7, 1949, C. C. Cole having appeared as claimant for the portion of the product which was not adulterated and no claimant having appeared for the remainder of the product, judgments of condemnation were entered. The unadulterated portion of the product was released under bond for relabeling, under the supervision of the Federal Security Agency. The remainder of the product, 940 cases, was ordered delivered to a Federal institution, for use as animal feed.

14467. Adulteration and misbranding of canned tomatoes. U. S. v. 298 Cases \* \* \*. (F. D. C. No. 26128. Sample No. 5533-K.)

LABEL FILED: December 13, 1948, District of Maine.

ALLEGED SHIPMENT: On or about October 29, 1948, by the Brockport Cold Storage Co., from Hamlin, N. Y.

PRODUCT: 298 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Portland, Maine.

LABEL, IN PART: "Vine Ripened Tomatoes \* \* \* Grade A \* \* \* Great Atlantic & Pacific Tea Company, New York, N. Y., Distributors."

NATURE OF CHARGE: 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.

Misbranding, Section 403 (a), the label statements "Grade A \* \* \* To qualify as 'Grade A' \* \* \* must meet the following requirements:— Drained Weight of not less than 66% of the can capacity" were false and misleading as applied to the article, which contained decomposed tomato material and which had a drained weight of 56 percent of the can capacity.

DISPOSITION: April 21, 1949. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

14468. Misbranding of canned tomatoes. U. S. v. 400 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24685, 26115. Sample Nos. 2550-K, 4349-K.)

LABELS FILED: March 26 and December 7, 1948, District of Maine and Northern District of West Virginia.

ALLEGED SHIPMENT: On or about August 16, 1947, and September 17, 1948, by Albert W. Sisk & Son, from Pocomoke City and Linkwood, Md.

PRODUCT: 1,647 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bangor, Maine, and Clarksburg, W. Va.

LABEL, IN PART: "Somerset Brand Tomatoes \* \* \* Packed by Somerset Packing Co. Inc., Pocomoke City, Md.," or "Salem Brand Tomatoes \* \* \* Packed \* \* \* by Salem Packing Co. Salem, Md."

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 peel in both lots and excessive blemishes in the lot bearing the "Salem Brand," and the label of the article failed to bear a statement that the product fell below such standard.

**DISPOSITION:** July 21, 1948, and January 7, 1949. Somerset Packing Co., Inc., claimant for the Maine lot, and the Salem Packing Co., claimant for the West Virginia lot, having admitted that the product was misbranded, judgments of condemnation were entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**14469. Misbranding of canned tomatoes. U. S. v. 571 Cases \* \* \*. (F. D. C. No. 25517. Sample Nos. 23249-K, 23250-K.)**

**LIBEL FILED:** September 7, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about June 24 and July 5, 1948, by the Elsa Canning Co., from Elsa, Tex.

**PRODUCT:** 571 cases of canned tomatoes at Lake Charles, La. Some of the cases contained 48 10-ounce cans and some contained 24 1-pound, 3-ounce cans.

**LABEL, IN PART:** "Valley Rose Hand Packed Tomatoes \* \* \* Packed by Mission Food Products Company, Mission, Texas," or "Ro-May Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes since it failed to meet the requirements for strength and redness of color and since it contained excessive tomato peel, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** October 14, 1948. Kelly-Weber & Co., Lake Charles, La., having appeared as claimant, judgment was entered providing for the release of the product under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency. In accordance with the decree, action was taken to relabel the product.

**14470. Adulteration and misbranding of canned tomatoes. U. S. v. 491 Cases \* \* \*. (F. D. C. No. 23982. Sample No. 632-K.)**

**LIBEL FILED:** November 21, 1947, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about August 23, 1947, by the Belmont Canning Co., from Threeway, Va.

**PRODUCT:** 491 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Thomasville, Ga.

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

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

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:** December 24, 1947. Default decree of condemnation and destruction.

**14471. Adulteration and misbranding of tomatoes in sauce. U. S. v. 874 Cases \* \* \*. (F. D. C. No. 26125. Sample No. 10105-K.)**

**LIBEL FILED:** December 14, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 30, 1948, by Safier-Phillips, from Mays Landing, N. J.

**PRODUCT:** 874 cases, each containing 6 cans, of tomatoes in sauce at New York, N. Y.