

LABEL, IN PART: (Can) "Indian Creek Brand Tomatoes."

NATURE OF CHARGE: 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 product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes; and Section 403 (h) (1), the product was substandard in quality with respect to strength and redness of color.

DISPOSITION: April 13, 1948. The Chamberlain 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 used in the manufacture of other food products in which tomatoes are a normal ingredient, under the supervision of the Federal Security Agency.

14642. Misbranding of canned tomatoes. U. S. v. 419 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23704, 23847. Sample Nos. 76666-H, 83068-H.)

LIBELS FILED: September 16 and October 9, 1947, Middle District of Tennessee and Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 4 and July 19, 1947, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: Canned tomatoes. 419 cases, each containing 48 10-ounce cans, at Gallatin, Tenn., and 1,797 cases, each containing 24 1-pound, 3-ounce cans, at Shreveport, La.

LABEL, IN PART: "Gold Inn Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since its strength and redness of color failed to meet the tests prescribed in the standard, and its label failed to bear the substandard legend.

DISPOSITION: On April 5, 1948, the Meyer Canning Co. and Ludwig Wendlandt, Austin, Tex., claimants for the respective lots, 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. On April 30, 1948, at the request of the claimant for the Austin, Tex., lot, the court ordered the marshal to repossess the goods seized in that city and ordered the product delivered to a charitable institution.

14643. Misbranding of canned tomatoes. U. S. v. 1,913 Cases * * *. (F. D. C. No. 26077. Sample No. 5629-K.)

LIBEL FILED: November 19, 1948, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 21, 1948, by the Break O'Day Co-Operative Canning Co., from Jasper, Ind.

PRODUCT: 1,913 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Worcester, Mass.

LABEL, IN PART: "Break O'Day Brand Hand Packed Tomatoes."

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