

PRODUCT: 39 cases, each containing 6 6-pound, 2-ounce cans, of mustard greens at Dalhart, Tex.

LABEL, IN PART: "Pharr's Finest Mustard Greens."

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

DISPOSITION: March 28, 1949. Default decree of condemnation and destruction.

14794. Adulteration and misbranding of canned field peas with snaps. U. S. v. 69 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26452, 26453. Sample Nos. 874-K, 884-K.

LIBELS FILED: February 8 and March 10, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 30, 1948, by the Ploeger-Abbott Co., from Waynesboro, Ga.

PRODUCT: Canned field peas with snaps. 69 cases at Tampa, Fla., and 148 cases at Lakeland, Fla. Each case contained 48 14½-ounce cans.

LABEL, IN PART: "Golden Isle Tasty Foods Field Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for peas.

Misbranding, Section 403 (d), the containers were so filled as to be misleading since the cans contained excessive liquid packing medium.

DISPOSITION: April 11, 1949. The Ploeger-Abbott Co., claimant, 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.

#### TOMATOES AND TOMATO PRODUCTS

14795. Adulteration of canned tomatoes. U. S. v. 716 Cases \* \* \*. (F. D. C. No. 26434. Sample No. 1535-K.)

LIBEL FILED: February 9, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 30, 1948, by the Watkins Produce Co., from Hague, Va.

PRODUCT: 716 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Jacksonville, Fla.

LABEL, IN PART: (Can) "Cole Brand Tomatoes \* \* \* Packed By C. C. Cole, Hague, Va."

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

DISPOSITION: April 19, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

14796. Misbranding of canned tomatoes. U. S. v. 899 Cases \* \* \*. (F. D. C. No. 26399. Sample No. 29638-K.)

LIBEL FILED: January 13, 1949, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 26, 1947, by the Allen Canning Co., Siloam Springs, Ark.

PRODUCT: 899 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Slaton, Tex.

LABEL, IN PART: (Can) "Allen Hi-Grade Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and its label failed to bear a statement that it fell below the standard; and, Section 403 (a), the label statement "Hi-Grade" was false and misleading as applied to a product that was below standard.

**DISPOSITION:** May 16, 1949. W. B. Hestand Grocery Co., Slaton, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**14797. Misbranding of canned tomatoes. U. S. v. 798 Cases \* \* \*. (F. D. C. No. 26116. Sample No. 23528-K.)**

**LIBEL FILED:** December 13, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about July 26, 1948, by the Brownsboro Canning Co., from Brownsboro, Tex.

**PRODUCT:** 798 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Shreveport, La.

**LABEL, IN PART:** (Can) "Santa Rosa Brand Tomatoes \* \* \* Packed by Brownsboro Canning Co., Brownsboro, Texas" or "Red-Ee Brand Tomatoes \* \* \* Packed By Athens Canning Co. Athens, Texas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was substandard in quality because the strength and redness of color of the tomatoes failed to meet the requirements for color prescribed by the regulations and because it contained peel in excess of the maximum permitted by the standard, and its label failed to bear a statement that it fell below the standard.

**DISPOSITION:** March 1949. The Brownsboro 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 relabeled under the supervision of the Food and Drug Administration.

**14798. Adulteration of tomato catsup. U. S. v. 85 Cases \* \* \* (and 5 other seizure actions. (F. D. C. Nos. 26474, 26478 to 26480, incl., 26484, 26894. Sample Nos. 7895-K, 20586-K, 25642-K, 25643-K, 46215-K, 46218-K, 46468-K.)**

**LIBELS FILED:** January 26 and 31 and March 24, 1949, Western District of Pennsylvania, District of Nebraska, Southern District of Iowa, and Eastern District of Missouri.

**ALLEGED SHIPMENT:** Between the approximate dates of October 18, 1948, and January 24, 1949, by the Fettig Canning Corp., Elwood, Ind.

**PRODUCT:** Tomato Catsup. 85 cases, each containing 24 14-ounce bottles, at Library, Pa.; 22 cases, each containing 6 6-pound, 8-ounce cans, at Omaha, Nebr.; 148 cases, each containing 6 6-pound, 8-ounce cans, and 89 cases, each containing 24 14-ounce bottles, at Des Moines, Iowa; and 450 cases, each containing 24 14-ounce bottle and 124 cases, each containing 6 7-pound cans, at St. Louis, Mo.

**LABEL, IN PART:** "Mary's Choice [or "Sweet Home Pure" or "Conrad's Darnoc Brand"] Tomato Catsup."

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