

15589. Adulteration and misbranding of canned tomatoes. U. S. v. 696 Cases
* * *. (F. D. C. No. 28233. Sample No. 47636-K.)

LABEL FILED: October 25, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 18, 1949, by A. W. Sisk & Son, from Preston, Md.

PRODUCT: 696 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Portsmouth, Va.

LABEL, IN PART: (Can) "Red-Glo Tomatoes * * * Albert W. Sisk & Son Distributors—Not Manufacturers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), it fell below the standard of quality for canned tomatoes because of low drained weight, as determined by the sieve test, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, after segregation and destruction of all cans containing decomposed tomatoes.

15590. Adulteration and misbranding of canned tomatoes. U. S. v. 237 Cases
* * *. (F. D. C. No. 28266. Sample No. 63064-K.)

LABEL FILED: November 2, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 1, 1949, by Thomas Roberts & Co., from Longwoods, Md.

PRODUCT: 237 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Boston, Mass.

LABEL, IN PART: (Can) "Patow-Om-Eke Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

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; and, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive tomato peel and its label failed to bear a statement that it fell below the standard.

DISPOSITION: December 12, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15591. Misbranding of canned tomatoes. U. S. v. 93 Cases * * *. (F. D. C. No. 28073. Sample No. 54027-K.)

LABEL FILED: October 20, 1949, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about August 7, 1949, by the Delta Canning Co., from Raymondville, Tex.

PRODUCT: 93 cases, each containing 48 10-ounce cans, of tomatoes at Greenville, Miss.

LABEL, IN PART: "Delco Brand Hand Packed Tomatoes."

NATURE OF CHARGE: 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 it was not labeled to show that it was substandard.

DISPOSITION: November 22, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

POULTRY

15592. Adulteration of frozen dressed turkeys. U. S. v. 103 Crates, etc. (F. D. C. No. 26933. Sample No. 8624-K.)

LIBEL FILED: March 21, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about January 3, 1949, by Colonial Stores, Inc., from Norfolk, Va. This was a shipment of turkeys which had been rejected and returned.

PRODUCT: 142 crates each containing 6 frozen dressed turkeys at Jersey City, N. J. Examination showed that the flesh of some of the turkeys was permeated with a substance giving off an obnoxious urine-like odor.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was decomposed or otherwise unfit for food.

DISPOSITION: July 5, 1949. William M. Stewart, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the purpose of returning it to the original shipper, F. K. Floden & Co., Modesto, Calif., to be eviscerated under the supervision of the Federal Security Agency. Upon the release of the turkeys, they were eviscerated and examined, and those found unfit for human consumption were segregated. A total of 60 turkeys were found unfit and were destroyed.

15593. Adulteration of frozen dressed turkeys. U. S. v. 43 Crates * * *. (F. D. C. No. 26967. Sample No. 8627-K.)

LIBEL FILED: April 5, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about December 3, 1948, by F. K. Floden & Co., from East Modesto, Calif.

PRODUCT: 43 crates each containing 6 frozen dressed turkeys at New York, N. Y. Analysis showed that the flesh some of the turkeys was permeated with a substance giving off an obnoxious urine-like odor.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was decomposed or otherwise unfit for food.

DISPOSITION: July 13, 1949. William M. Stewart, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of eviscerating each turkey, under the supervision of the Federal Security Agency. Upon the release of the turkeys, they were eviscerated and examined, and those found unfit for human consumption were segregated. A total of 15 turkeys were found unfit and were destroyed.