

House, and Massillon, Ohio. A number of the cases contained 6 6-pound, 2-ounce cans, and other cases contained 24 1-pound, 11-ounce (or 2-ounce) cans.

LABEL, IN PART: "Little Mill Brand [or "Scout Cabin," "Nancy Lee Brand," "Sugar Loaf Brand," "Highland," "Clarion Brand," "Nancy Jo Brand," "Honey Grove," "Pleezing," "IGA Garden," or "Clarion"] Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of worms.

DISPOSITION: Between February 28 and April 18, 1951. Default decrees of condemnation. The courts ordered that certain lots be delivered to public institutions for use as animal feed and that the other lots be destroyed.

TOMATOES AND TOMATO PRODUCTS

17182. Adulteration and misbranding of canned tomatoes. U. S. v. 299 Cases
* * *. (F. D. C. No. 29868. Sample No. 84788-K.)

LIBEL FILED: November 9, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 26, 1950, by Merritt Food Products, Inc., from Sweetser, Ind.

PRODUCT: 299 cases, each containing 6 No. 10 cans, of tomatoes at Cincinnati, Ohio.

LABEL, IN PART: (Can) "Gold Coast Brand Net Contents 1 Lb. 12 Oz. Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, 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.

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 in such definition and standard; Section 403 (h) (1), the quality of the article fell below the standard of quality of canned tomatoes because of excessive peel, and the article failed to bear a statement that it fell below such standard; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the statement "Net Contents 1 Lb. 12 Oz." is inaccurate. (The average net weight of the article was 104.5 ounces.)

DISPOSITION: March 30, 1951. Merritt Food Products, Inc., 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 conversion into a manufactured food product, such as chili sauce, etc., under the supervision of the Federal Security Agency.

17183. Adulteration and misbranding of tomato catsup. U. S. v. 91 Cases
* * *. (F. D. C. No. 30393. Sample No. 67255-K.)

LIBEL FILED: January 23, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about October 9, 1950, by The Brakeley Food Products Co., from Folsom, N. J.

PRODUCT: 91 cases, each containing 6 7-pound, 3 ounce cans, of tomato catsup at Baltimore, Md.

LABEL, IN PART: (Can) "Queen's Taste Brand Tomato Catsup."
NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (a), the label statement "Guaranteed to comply with U. S. Government Certificates of Quality" was false and misleading as applied to an article containing fly eggs and decomposed tomato material.

DISPOSITION: March 2, 1951. Default decree of condemnation and destruction.

17184. Adulteration of tomato juice. U. S. v. 99 Cases * * *. (F. D. C. No. 30424. Sample No. 3059-L.)

LIBEL FILED: February 6, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about January 18, 1951, by the B. F. Shriver Co., from Littlestown, Pa.

PRODUCT: 99 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Washington, D. C.

LABEL, IN PART: (Can) "Shriver's A No. One Tomato Juice."

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

DISPOSITION: February 28, 1951. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park for its use and not for sale.

17185. Misbranding of concentrated tomato juice. U. S. v. 49 Cases * * *. (F. D. C. No. 30244. Sample No. 35636-K.)

LIBEL FILED: On or about November 17, 1950, Northern District of Texas.

ALLEGED SHIPMENT: On or about October 17, 1950, by F. E. Booth Co., Inc., from San Francisco, Calif.

PRODUCT: 49 cases, each containing 48 6-ounce cans, of concentrated tomato juice at Dallas, Tex. The product had the consistency and appearance of tomato puree.

LABEL, IN PART: (Can) "Booth's Crescent Brand California Concentrated Tomato Juice."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Concentrated Tomato Juice" was false and misleading in that the article when reconstituted as directed did not have the nutritional properties of tomato juice since the vitamin C content would be materially less than would be present in tomato juice; and, Section 403 (g) (2), the article purported to be tomato puree, a food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear the name of the food specified in such definition and standard.

DISPOSITION: February 6, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

17186. Adulteration of tomato paste. U. S. v. 619 Cases * * *. (F. D. C. No. 30394. Sample No. 32869-K.)

LIBEL FILED: January 24, 1951, District of Massachusetts.