

TOMATOES AND TOMATO PRODUCTS

17728. Adulteration and misbranding of canned tomatoes. U. S. v. Howard S. Waymire (New Madison Canning Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 31101. Sample No. 59348-K.)

INFORMATION FILED: June 13, 1951, Southern District of Ohio, against Howard S. Waymire, trading as the New Madison Canning Co., from New Madison, Ohio.

ALLEGED SHIPMENT: On or about September 23, 1950, from the State of Ohio into the State of Illinois.

LABEL, IN PART: (Can) "SU-Z-Q Tomatoes Royal Blue Stores Inc. Distributors-Chicago."

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

Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations, and the label failed to bear the common or usual name of the optional ingredient present in the product since the product contained liquid strained from the residue from preparing tomatoes for canning, consisting of peelings and cores; and the label failed to bear, as required by the definition and standard of identity, a statement to that effect.

DISPOSITION: June 26, 1951. A plea of guilty having been entered, the court fined the defendant \$400.

17729. Adulteration of tomato juice. U. S. v. 150 Cases (and 1 other seizure action). (F. D. C. Nos. 30253, 30254. Sample Nos. 91766-K, 91767-K.)

LIBELS FILED: November 17, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about September 20 and 21, 1950, by the Comstock Canning Co., from Fairport, N. Y.

PRODUCT: Tomato juice. 150 cases at Paterson, N. J., and 73 cases at Newark, N. J. Each case contained 12 1-quart, 14-fluid-ounce cans.

LABEL, IN PART: "Fall Leaf * * * Tomato Juice" and "Wise-Kind * * * Fancy Tomato Juice."

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: August 28, 1951. The Comstock Canning Co., claimant, having consented to the entry of a decree and the cases having been consolidated for trial, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 44 cases of the product were segregated and released as fit for human consumption (112 cases of the product were actually seized).

17730. Adulteration and misbranding of tomato puree. U. S. v. 497 Cases * * *. (F. D. C. No. 31019. Sample Nos. 12788-L, 12794-L.)

LIBEL FILED: June 4, 1951, District of Colorado.