

destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 158 cases, each containing 12 32-ounce jars, and 24 cases, each containing 24 16-ounce jars, were segregated as unfit and were destroyed.

### TOMATOES AND TOMATO PRODUCTS

18528. Adulteration of canned tomatoes. U. S. v. 343 Cases \* \* \*. (F. D. C. No. 31870. Sample No. 29267-L.)

**LIBEL FILED:** October 9, 1951, District of Idaho.

**ALLEGED SHIPMENT:** On or about September 11, 1951, from Clearfield, Utah.

**PRODUCT:** 343 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Boise, Idaho.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination disclosed that the product was undergoing progressive decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 10, 1951. Smith Foods, Inc., claimant, having consented to the entry of a decree, the court ordered that the product be released under bond for the segregation of the unfit portion, under the supervision of the Food and Drug Administration. 242 cases and 13 cans were salvaged, and 21 cases and 8 cans were destroyed. (265 cases were seized.)

18529. Adulteration of canned tomatoes. U. S. v. 304 Cases \* \* \*. (F. D. C. No. 32539. Sample No. 26106-L.)

**LIBEL FILED:** February 21, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 10, 1951, by Pappas Bros. & Gillies Co., from Egg Harbor, N. J.

**PRODUCT:** 304 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** "Jersey Pack Brand."

**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 fly eggs and maggots.

**DISPOSITION:** April 2, 1952. Default decree of condemnation and destruction.

18530. Misbranding of canned tomatoes. U. S. v. 400 Cases \* \* \*. (F. D. C. No. 32898. Sample No. 8362-L.)

**LIBEL FILED:** March 21, 1952, Northern District of New York.

**ALLEGED SHIPMENT:** On or about September 26, 1951, by Albert W. Sisk & Son, from Preston, Md.

**PRODUCT:** 400 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Utica, N. Y.

**LABEL, IN PART:** (Can) "Pine Cone Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and its label failed to bear a statement that it was substandard in quality.

**DISPOSITION:** May 3, 1952. The Caroline Canning Co., Federalsburg, Md., having admitted the allegations of the libel, judgment of condemnation was