

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "with Mushrooms" was misleading since the product contained an inconsequential amount of mushrooms.

DISPOSITION: June 12, 1952. Chun King Sales, Inc., having appeared as claimant, judgment was entered ordering the product released under bond to be relabeled, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

18731. Adulteration of canned tomatoes. U. S. v. 623 Cases * * *. (F. D. C. No. 32007. Sample No. 3694-L.)

LIBEL FILED: November 7, 1951, District of Columbia.

ALLEGED SHIPMENT: On or about October 6, 1951, by Robbins Bros., from Drawbridge, Md.

PRODUCT: 623 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Washington, D. C.

LABEL, IN PART: "Robbins Tomatoes."

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.

DISPOSITION: December 18, 1951. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that 2 cases of the product be delivered to the Food and Drug Administration and that the remainder be released under bond to the claimant for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. 616 cases and 1 can were salvaged as fit for human consumption.

18732. Misbranding of canned tomatoes. U. S. v. 1,010 Cases * * *. (F. D. C. No. 32083. Sample No. 7865-L.)

LIBEL FILED: November 7, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 4 and 10, 1951, by the John T. Handy Co., from Crisfield, Md.

PRODUCT: 1,010 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bradford, Pa.

LABEL, IN PART: "Handy 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 the label failed to bear a statement that the product fell below the standard.

DISPOSITION: November 27, 1951. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

18733. Misbranding of canned tomatoes. U. S. v. 698 Cases, etc. (F. D. C. No. 32158. Sample Nos. 23757-L, 23758-L.)

LIBEL FILED: November 19, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about September 18, 1951, by S. W. Dolby & Sons, from Whitehaven, Md.

PRODUCT: Canned tomatoes. 698 cases, at New Britain, Conn., and 683 cases at Meriden, Conn.

LABEL, IN PART: "Seal of Merit Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes. The 698-case lot at New Britain contained excessive peel and the drained weight of the 683-case lot at Meriden was less than 50% of the weight of water required to fill the containers, and the labels of the product failed to bear a statement that it fell below the standard, as required by the regulations.

DISPOSITION: January 16, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

18734. Misbranding of canned tomatoes. U. S. v. 401 Cases * * *. (F. D. C. No. 32140. Sample No. 6949-L.)

LABEL FILED: November 29, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 29, 1951, by the Howard Canning Co., from Pendleton, Ind.

PRODUCT: 401 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Pittsburgh, Pa.

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product failed to conform to the standard of identity for canned tomatoes since calcium salts had been added and the label failed to state that calcium salts had been added, as required by the standard.

DISPOSITION: January 29, 1952. H. F. Behrhorst & Son, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was relabeled.

18735. Adulteration of tomato catsup. U. S. v. 700 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 32130, 32294, 32295. Sample Nos. 22400-L, 22401-L, 32321-L.)

LABELS FILED: November 26 and December 20, 1951, Eastern District of Missouri and Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 29 and October 3, 6, 16, and 19, 1951, by the G. S. Suppiger Co. from Collinsville, Ill.

PRODUCT: Tomato catsup. 700 cases, each containing 24 12-ounce bottles, and 250 cases, each containing 24 6-ounce bottles, at St. Louis, Mo., and New Orleans, La.

LABEL, IN PART: (Bottles) "Brooks Old Original Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 18, 1952. Default decrees of condemnation and destruction.