

PRODUCT: 216 cases, each containing 6 6-pound, 9-ounce cans, of peas at Atlanta, Ga.

LABEL, IN PART: (Can) "Sunbrite Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas since the peas were excessively mealy and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: February 10, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

20129. Adulteration of canned okra dinner. U. S. v. 44 Cases \* \* \*. (F. D. C. No. 34519. Sample No. 22255-L.)

LABEL FILED: January 5, 1953, Northern District of Texas.

ALLEGED SHIPMENT: On or about October 11, 1952, by Evangeline Pepper & Food Products, Inc., from St. Martinville, La.

PRODUCT: 44 cases, each containing 24 14-ounce cans, of okra dinner at Dallas, Tex.

LABEL, IN PART: (Can) "Bulliard's Evangeline Brand Okra Dinner."

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

DISPOSITION: February 11, 1953. Default decree of condemnation and destruction.

#### TOMATOES AND TOMATO PRODUCTS

20130. Adulteration and misbranding of canned tomatoes. U. S. v. 1,996 Cases \* \* \*. (F. D. C. No. 34149. Sample No. 36552-L.)

LABEL FILED: November 19, 1952, Southern District of Indiana.

ALLEGED SHIPMENT: On or about September 8, 1952, by Albert W. Sisk & Son, from Milford, Del.

PRODUCT: 1,996 cases, each containing 24 unlabeled cans, of tomatoes at Indianapolis, Ind.

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, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; 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 it failed to bear a label containing the name of the food; and, 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: April 3, 1953. The sole intervener having consented to the entry of a decree, judgment of condemnation and destruction was entered.

20131. Adulteration of canned tomatoes. U. S. v. 1,200 Cases \* \* \*. (F. D. C. No. 34150. Sample No. 44341-L.)

LABEL FILED: On or about December 3, 1952, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about September 23, 1952, by the Kings Creek Canning Co., from Princess Anne, Md.

**PRODUCT:** 1,200 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Providence, R. I.

**LABEL, IN PART:** "Iona Tomatoes."

**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 maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** March 24, 1953. Default decree of condemnation and destruction.

**20132. Adulteration and misbranding of canned tomatoes. U. S. v. 976 Cases \* \* \*. (F. D. C. No. 33701. Sample No. 36532-L.)**

**LIBEL FILED:** On or about September 23, 1952, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about August 13, 1952, by Robbins Bros., from Preston, Md.

**PRODUCT:** 976 cases, each containing 24 cans, of tomatoes at Evansville, Ind.

**LABEL, IN PART:** "Robbins Tomatoes \* \* \* Contents 1 Lb. 3 Oz."

**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.

Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of the presence of excessive tomato peel, and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** January 9, 1953. Robbins Bros., claimant, having admitted the facts alleged in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion and for relabeling of such part of the remaining portion that was substandard, under the supervision of the Food and Drug Administration.

The total amount of the product which was actually seized consisted of 646 cases, and, of this amount, 134 cases were found unfit and were destroyed and 512 cases were relabeled.

**20133. Misbranding of canned tomatoes. U. S. v. 998 Cases \* \* \*. (F. D. C. No. 34427. Sample No. 39870-L.)**

**LIBEL FIELD:** December 22, 1952, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about October 27, 1952, by Fernando Canning Co., Inc., from San Fernando, Calif.

**PRODUCT:** 998 cases, each containing 24 1-pound cans, of tomatoes at Charleston, S. C.

**LABEL, IN PART:** (Can) "Calsun 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:** March 12, 1953. Fernando Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and