

20230. Misbranding of canned tomatoes. U. S. v. 99 Cases \* \* \*. (F. D. C. No. 34628. Sample No. 66946-L.)

LIBEL FILED: January 27, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 12, 1952, from Preston, Md.

PRODUCT: 99 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa., in the possession of Meyer Mittleman.

RESULTS OF INVESTIGATION: The cans of tomatoes were labeled with a substandard legend and shipped to Philadelphia, Pa., and subsequently were sold to Meyer Mittleman, who removed the substandard legend labels and applied to the cans the labels described below.

LABEL, IN PART: (Cans) "Farm Fresh Brand [or "Farm Fresh Brand Fancy"] Hand Packed Tomatoes Packed by Garden State Canning Co., Hightstown, N.J." and "Crown of Maryland Tomatoes \* \* \* Distributed—Not Manufactured by Preston Canning Co. Preston, Md."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement "Packed By Garden State Canning Co., Hightstown, N. J.," appearing on the label of a portion of the article, was false and misleading as applied to this portion since it was not packed by that firm; and the statement "Fancy" appearing on the label of a portion of the article was false and misleading as applied to such portion, which was substandard in quality.

Further misbranding, Section 403 (h) (1), the article purported to be and was represented as canned tomatoes, a food for which a standard of quality has been prescribed, and its quality fell below the standard for canned tomatoes since the article contained excessive peel and the label failed to bear a statement that the article fell below the standard.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: February 26, 1953. Default decree of condemnation and destruction.

20231. Adulteration of tomato juice. U. S. v. 40 Cases \* \* \*. (F. D. C. No. 34561. Sample No. 54213-L.)

LIBEL FILED: January 27, 1953, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 29, 1952, by H. C. Hemingway & Co., from Clyde, N. Y.

PRODUCT: 40 cases, each containing 12 cans, of tomato juice at Detroit, Mich.

LABEL, IN PART: (Can) "Alpine Tomato Juice \* \* \* Contents 1 Qt. 14 Fl. Oz."

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: March 11, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

## MEAT AND POULTRY

20232. Adulteration of dressed rabbits. U. S. v. 4 Barrels \* \* \*. (F. D. C. No. 34570. Sample No. 62513-L.)

LIBEL FILED: January 27, 1953, Eastern District of Arkansas.