

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.

DISPOSITION: November 18, 1953. The Paramount Canning Co., Tampa, Fla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion under the supervision of the Food and Drug Administration.

As a result of the segregation operations, 231 cases and 3 cans of the product were found unfit and were destroyed.

20936. Adulteration and misbranding of canned tomatoes. U. S. v. 155 Cases * * *. (F. D. C. No. 35275. Sample Nos. 45256-L, 45259-L.)

LIBEL FILED: On or about May 28, 1953, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 6, 1953, from Preston, Md.

PRODUCT: 155 cases, each containing 24 1-pound cans, of tomatoes at Providence, R. I.

LABEL, IN PART: (Can) "Le Anda Tomatoes With Added Tomato Juice Packed by Walter T. Andrews & Son Cambridge, Maryland U. S. A."

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 excessive peel, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: July 1, 1953. Default decree of condemnation and destruction.

20937. Misbranding of canned tomatoes. U. S. v. 59 Cases * * *. (F. D. C. No. 35732. Sample No. 72360-L.)

LIBEL FILED: On or about October 19, 1953, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 6, 1952, by Gibbs & Co., Inc., from Baltimore, Md.

PRODUCT: 59 cases, each containing 24 cans, of tomatoes at Berwind, W. Va.

LABEL, IN PART: (Can) "Gibbs Contents 1 Lb. 12 Oz. Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

Further misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned tomatoes since the article contained less than 90 percent of the total capacity of the container and the label failed to bear a statement that the article fell below the standard. The standard of fill of container for canned tomatoes is a fill of not less than 90 percent of the total capacity of the container.

DISPOSITION: November 9, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use.