

PRODUCT: 6 cases, each containing 24 units and each unit containing 1 can of rice and 1 can of beef chop suey, at Cambridge, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the portion of the article containing rice was unfit for food by reason of discoloration and contamination with lacquer from the cans. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 30, 1953. Default decree of condemnation and destruction.

### TOMATOES AND TOMATO PRODUCTS

21044. Adulteration of canned tomatoes. U. S. v. 2,000 Cases \* \* \*. (F. D. C. No. 35976. Sample No. 48025-L.)

LIBEL FILED: November 19, 1953, Middle District of Alabama.

ALLEGED SHIPMENT: On or about August 7, 14, and 29, 1953, by A. W. Sisk & Son, from Richmond, Va.

PRODUCT: 2,000 cases, each containing 24 cans, of tomatoes at Montgomery, Ala.

LABEL, IN PART: (Can) "Rich-West Brand Tomatoes Contents 1 Lb. 3 Oz. \* \* \* Packed by Belmont Canning Co. Threeway, Va."

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: January 6, 1954. Default decree of condemnation and destruction.

21045. Adulteration of canned tomatoes. U. S. v. 664 Cases \* \* \*. (F. D. C. No. 36065. Sample No. 59186-L.)

LIBEL FILED: October 28, 1953, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 19, 1953, by the Hynson Canning Co., from Hynson, Md.

PRODUCT: 664 cases, each containing 24 cans, of tomatoes at Tampa, Fla.

LABEL, IN PART: (Can) "Zakly-Rite Tomatoes \* \* \* Contents 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 8, 1953. Default decree of condemnation and destruction.

21046. Adulteration of canned tomatoes. U. S. v. 160 Cases \* \* \*. (F. D. C. No. 36134. Sample No. 50633-L.)

LIBEL FILED: November 25, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about September 17, 1953, by H. H. & B. H. Nuttle, from Hickman, Md.

PRODUCT: 160 cases, each containing 6 cans, of tomatoes at Mount Vernon, N. Y.

LABEL, IN PART: (Can) "Dandy Hand Packed Tomatoes Contents 1 Lb. 3 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

**DISPOSITION:** December 15, 1953. Default decree of condemnation and destruction.

**21047. Misbranding of tomato puree. U. S. v. 683 Cases \* \* \*. (F. D. C. No. 35966. Sample No. 63519-L.)**

**LIBEL FILED:** November 12, 1953, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 6, 1952, by the Akin Products Co., from Mission, Tex.

**PRODUCT:** 683 cases, each containing 6 cans, of tomato puree at St. Louis, Mo.

**LABEL, IN PART:** (Can) "Val-Tex Brand Tomato Puree \* \* \* 6 Lbs. 8 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free solids, the minimum permitted by the definition and standard.

**DISPOSITION:** February 3, 1954. The Akin Products Co., 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, conditioned that it be relabeled as "Imitation Tomato Puree," with the new label bearing also the words "Lightly concentrated tomato juice made in part from residual tomato material from canning"; or, as an alternative, that the product be held for use in soups, pork and beans, or tomato sauce in dry packed vegetables canned by the claimant, with all of such work to be done under the supervision of the Department of Health, Education, and Welfare.

### **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE \***

**21048. Adulteration and misbranding of Special capsules. U. S. v. 64,000 Capsules \* \* \*. (F. D. C. No. 35971. Sample No. 65374-L.)**

**LIBEL FILED:** November 18, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** During September 1950, from Detroit, Mich.

**PRODUCT:** 64,000 Special capsules in 12 cartons at Minneapolis, Minn. Analysis showed that the product contained 63 percent of the declared amount of vitamin B<sub>1</sub>.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Ingredients in Each Capsule: \* \* \* Thiamine Hydrochloride USP 3 Mg." was false and misleading as applied to the article, which contained less than the declared amount of vitamin B<sub>1</sub>.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 8, 1954. Default decree of destruction.

**21049. Adulteration and misbranding of Procarmin and elixir of vitamin B complex. U. S. v. 20 Bottles, etc. (F. D. C. No. 36078. Sample Nos. 65364-L, 65365-L.)**

**LIBEL FILED:** October 29, 1953, District of Minnesota.

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\*See also Nos. 21001, 21002.