

TOMATOES AND TOMATO PRODUCTS

2460. Adulteration of tomato sauce and canned tomatoes. U. S. v. 65 Cases of Tomato Sauce and 155 Cases and 940 Cases of Canned Tomatoes. Consent decree of condemnation and destruction. (F. D. C. Nos. 1667, 1712, 1733. Sample Nos. 13584-E, 13586-E, 13587-E.)

These products not only contained excessive mold, but the tomato sauce also contained insect fragments.

On March 19, 26, and 29, 1940, the United States attorney for the Western District of Washington filed libels against 65 cases each containing 72 cans of tomato sauce, and 155 cases each containing 48 cans and 940 cases each containing 24 cans of tomatoes at Seattle, Wash., alleging that the articles had been shipped from Stockton, Calif., on or about December 13, 1939, by B. H. Body, Inc.; and charging that they were adulterated. They were labeled in part: "7 $\frac{3}{4}$ Ozs. Avd. Shurfine Fancy Grade Tomato Sauce [or "15 Ozs. (or "1 Lb. 12 Ozs.") Tastewell Tomatoes"] * * * National Retailer-Owned Grocers, Inc., Distributors, Chicago, Ill."

The tomato sauce was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance; and the canned tomatoes in that they consisted in whole or in part of a decomposed substance.

On September 21, 1941, Stockton Food Products, Inc., Stockton, Calif., claimant, having consented to the entry of a decree and the cases having been consolidated, judgment of condemnation was entered and the products were ordered destroyed.

2461. Adulteration and misbranding of canned tomatoes. U. S. v. 175 Cases and 147 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion and relabeling of remainder. (F. D. C. No. 5423. Sample Nos. 37931-E, 37932-E.)

Examination showed that this product was in part decomposed. Also, the packing medium consisted of added strained tomatoes which were not declared on the label.

On August 21, 1941, the United States attorney for the Middle District of Georgia filed a libel against 322 cases, each containing 24 No. 2 cans, of tomatoes at Columbus, Ga., alleging that the article had been shipped by T. W. Holt from Jacksonville, Fla., on or about June 18, 1941; and charging that it was adulterated and misbranded. It was labeled in part: "Shaver's Brand * * * Tomatoes * * * Packed by H. A. Shaver, Inc., Lakeland, Fla."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but its label failed to bear the common name of the optional ingredient, i. e., "Added Strained Tomatoes."

On September 22, 1941, H. A. Shaver, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. All swelled cans were destroyed and the normal cans were relabeled to include the statement "With Added Strained Tomatoes."

2462. Misbranding of canned tomatoes. U. S. v. 299 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5406. Sample No. 37583-E.)

This product fell below the standard of quality for canned tomatoes, since it failed to pass the test for strength and redness of color, and it exceeded the maximum allowance for peel (1 square inch per pound of tomatoes).

On or about August 27, 1941, the United States attorney for the Eastern District of South Carolina filed a libel against 299 cases, each containing 24 No. 2 cans, of tomatoes at Sumter, S. C., alleging that the article had been shipped by the Rowland Canning Co. from Rowland, N. C., on or about August 5, 1941; and charging that it was misbranded. It was labeled in part: "Pride of Rowland Brand Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.