

On October 11, 1941, the Rowland Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

2463. Misbranding of canned tomatoes. U. S. v. 746 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5328. Sample No. 49653-E.)

This product was substandard because it failed to meet the official test for strength and redness of color, and it contained more than 1 square inch of peel per pound of tomatoes in the container.

On or about August 11, 1941, the United States attorney for the Western District of Louisiana filed a libel against 746 cases, each containing 24 No. 2 cans, of tomatoes at Lake Charles, La., alleging that the article had been shipped on or about June 19 and 24, 1941, by the Stedman Co. from Orange, Tex.; and charging that it was misbranded. It was labeled in part: "Bounty Brand Tomatoes * * * Packed by Southwest Products Co. McAllen, Tex."

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 the label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 20, 1941, the Southwest Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2464. Misbranding of canned tomatoes. U. S. v. 233 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5411. Sample No. 49662-E.)

This product was labeled "Standard Quality Grade C" but actually was substandard since it failed to pass the official test for strength and redness of color, and it contained more than the permitted maximum amounts of peel and blemishes.

On August 22, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 233 cases, each containing 24 No. 2 cans, of tomatoes at New Orleans, La., alleging that the article had been shipped on or about June 24, 1941, by Apte Bros. (Apte Bros. Canning Co.) from Edinburg, Tex.; and charging that it was misbranded. It was labeled in part: "Iona Tomatoes Net Wt. 1 Lb. 3 Ozs. Standard Quality Grade C."

The article was alleged to be misbranded (1) in that the statement "Standard Quality Grade C" was false and misleading as applied to an article that was not "Standard Quality Grade C"; and (2) 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.

On October 9, 1941, Apte Bros. Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

Nos. 2465 to 2475 (except 2468) report actions based on the seizure and disposition of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

2465. Adulteration and misbranding of tomato catsup. U. S. v. 68 Cases and 16 Cases of Tomato Catsup. Consent decree of condemnation and destruction. (F. D. C. No. 5757. Sample Nos. 65841-E, 65842-E.)

On September 17, 1941, the United States attorney for the District of Colorado filed a libel against 84 cases, each containing 24 bottles, of tomato catsup at Denver, Colo., which had been consigned by Beaver Valley Canning Co., Grimes, Iowa, alleging that the article had been shipped on or about April 30 and June 13, 1941, from Grimes, Iowa; and charging that it was adulterated and misbranded. It was labeled in part: "Shurfine [or "Tastewell"] Brand Contents 14 Oz. Tomato Catsup National Retailer-Owned Grocers, Inc. Distributors Chicago, Illinois."

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