

that the article had been shipped in interstate commerce on or about October 9, 1941, by J. W. Welch Co., Inc., from Downings, Va.; and charging that it was misbranded. The article was labeled in part: (Cans) "Evenripe Brand Tomatoes."

It 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 because the peel per pound of tomatoes in the container covered an area of more than 1 square inch, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 24, 1941, J. W. Welch Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

2930. Misbranding of canned tomatoes. U. S. v. 997 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6048. Sample No. 79503-E.)

This product was substandard because of the presence of excessive peel.

On October 21, 1941, the United States attorney for the Southern District of Ohio filed a libel against 997 cases of canned tomatoes at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about September 11 and 13, 1941, by the Jaqua Co. from Winchester, Ind.; and charging that it was misbranded. It was labeled in part: "Jaqua Hand Packed Tomatoes Contents 1 Lb. 12 Oz."

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 because the peel per pound of tomatoes in the container covered more than 1 square inch and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On or about November 24, 1941, the Jaqua 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.

2931. Misbranding of canned tomatoes. U. S. v. 20 Cases and 36 Cases of Canned Tomatoes. Default decrees. Product ordered delivered to charitable institutions. (F. D. C. Nos. 6183, 6644. Sample Nos. 42779-E, 48796-E.)

This product fell below the standard of quality for canned tomatoes because the drained weight was less than 50 percent of the weight of the water required to fill the container.

On or about November 8, 1941, and January 7, 1942, the United States attorneys for the Western District of Pennsylvania and the Southern District of Florida filed libels against 20 cases each containing 24 cans of tomatoes at Mount Pleasant, Pa., and 36 cases each containing 24 cans of tomatoes at Miami, Fla., alleging that the article had been shipped on or about September 3 and October 7, 1941, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "McGrath's Tomatoes * * * McGrath's Champion Brand," or "Saint Elmo 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.

On December 11, 1941, and April 21, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions for their use but not for sale.

2932. Misbranding of canned tomatoes. U. S. v. 247 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6326. Sample No. 23236-E.)

This product fell below the standard of quality for canned tomatoes because the drained weight was less than 50 percent of the weight of the water required to fill the container.

On December 4, 1941, the United States attorney for the District of Oregon filed a libel against 247 cases, each containing 24 cans, of tomatoes at Portland, Oreg., alleging that the article had been shipped on or about November 15, 1941, by Walter M. Field & Co. from San Francisco, Calif.; and charging that it was