

which a standard of quality had been prescribed by regulations promulgated pursuant to law, but it fell below such standard since it contained tomato peel in excess of the maximum prescribed by the standard, which provides that tomato peel per pound of canned tomatoes in the container should cover an area of not more than 1 square inch, and its label failed to bear, in the manner and form that the regulations specify, a statement that it fell below the standard.

On November 28, 1942, Albert W. Sisk & Son, Aberdeen, Md., claimant for the lot located at Norwich, N. Y., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for sorting out of any portion that might not be substandard and the relabeling of all substandard tomatoes under the supervision of the Food and Drug Administration. On November 30, 1942, the Trappe Canning Co. of Trappe, Md., having appeared as claimant for the lot located at Boston, Mass., and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the sorting out of all bad material under the supervision of the Food and Drug Administration. On December 3, 1942, no claimant having appeared for the lot located at Huntington, W. Va., judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

4426. Misbranding of canned tomatoes. U. S. v. 1,130 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8850. Sample No. 9540-F.)

This product was substandard because it did not meet the test for strength and redness of color described in the regulations and because it contained peel in excess of the amount permitted therein.

On November 13, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 1,130 cases, each containing 24 cans, of tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 11 and 15, 1942, by the Hazlehurst Canning Co. from Hazlehurst, Miss.; and charging that it was misbranded. The article was labeled in part: (Can) "Eagle Brand * * * Standard Tomatoes, Packed By A. Glorioso of New Orleans, La."

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

On December 4, 1942, Kohlmann Bros. & Sugarman, Inc., New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4427. Misbranding of canned tomatoes. U. S. v. 1,400 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and relabeling. (F. D. C. No. 8642. Sample No. 17105-F.)

On October 28, 1942, the United States attorney for the Northern District of New York filed a libel against 1,400 cases, each case containing 24 cans, of tomatoes at Green Island, N. Y., alleging that the article had been shipped in interstate commerce on or about August 25, 1942, by H. P. Tull & Co. from Kingston, Md.; and charging that it was misbranded. The article was labeled in part: (Can) "King of the Field * * * Tomatoes."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard since it contained more than the maximum amount of tomato peel permitted by the standard, 1 square inch per pound of canned tomatoes in the container, and its label failed to bear, in the manner and form that the regulations specify, a statement that it fell below the standard.

On December 7, 1942, H. P. Tull & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that any portion that reexamination showed was not substandard be segregated as not requiring relabeling and that the remainder be relabeled under the supervision of the Food and Drug Administration.