

DISPOSITION: December 15, 1943, Tyrrell & Garth, Inc., claimant. A decree of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law.

5945. Misbranding of canned tomatoes. U. S. v. 942 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 11028. Sample No. 41146-F.)

LIBEL FILED: October 30, 1943, District of Texas.

ALLEGED SHIPMENT: During July 1943, by the Logansport Canning Co., Inc., Logansport, La.

PRODUCT: 942 cases of canned tomatoes at the L. B. Dean Warehouse, Joaquin, Tex.

LABEL, IN PART: Unlabeled when shipped; label applied at warehouse, Joaquin, Tex.: "De Soto Brand Tomatoes. Packed by Logansport Canning Co., Inc."

VIOLATIONS CHARGED: Misbranding, Section 403(h)(1), the product was substandard because it failed to meet the requirements for color, the peel per pound of canned tomatoes in the container covered an area of more than 1 square inch, the blemishes per pound of canned tomatoes in the container covered an area of more than $\frac{1}{4}$ square inch, and the label failed to bear a statement that the article fell below the standard; Section 403(e)(1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403(e)(2), it failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: December 20, 1943. The claimant, J. G. Black, having admitted the material allegations of the libel, consent decree of condemnation was entered and the product was ordered released under bond for relabeling.

5946. Misbranding of canned tomatoes. U. S. v. 447 Cases and 160 Cases of Canned Tomatoes. Decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 10831, 11103. Sample Nos. 53409-F, 53433-F.)

LIBELS FILED: September 28 and November 12, 1943, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 21, 1943, by the H. J. McGrath Co., Baltimore, Md.

PRODUCT: 607 cases of canned tomatoes at Charleston, W. Va.

LABEL, IN PART: "McGrath's Tomatoes McGrath's Champion Brand."

VIOLATION CHARGED: Misbranding, Section 403(h)(1), the quality of the product fell below the standard for canned tomatoes prescribed by the regulations, since its drained weight was less than 50 percent of the weight of water required to fill the container, and because the peel per pound of canned tomatoes in the container covered an area of more than 1 square inch, and its label failed to bear a statement, in the manner and form that the regulations specify, that it fell below the standard.

DISPOSITION: The H. J. McGrath Co. appeared as claimant and admitted the allegations of the libels. On October 15 and November 29, 1943, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

5947. Misbranding of canned tomatoes. U. S. v. 556 Cases of Tomatoes. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10970. Sample No. 41504-F.)

LIBEL FILED: On or about October 21, 1943, Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 6, 1943, by the Knapp-Sherrill Co. (successor to the Kessler & Bagnetto Canning Co.), Donna, Tex.

PRODUCT: 556 cases of tomatoes at Lake Charles, La.

LABEL, IN PART: "K and B Brand Tomatoes Packed By Kessler & Bagnetto Canning Co."

VIOLATIONS CHARGED: Misbranding, Section 403(h)(1), the product was substandard in quality because the strength and redness of the color of the tomatoes failed to meet the requirements for color prescribed in the standard.

DISPOSITION: December 15, 1943. Default decree of condemnation and destruction entered. On January 7, 1944, the Knapp-Sherrill Co. having entered an appearance and filed a motion to set aside the judgment, an amended decree was entered, in part setting aside the decree of December 15, 1943, and allow-

ing the claimant to take the product down under bond to be brought into compliance with the law under the supervision of a representative of the Federal Security Administrator.

5948. Misbranding of canned tomatoes. U. S. v. 1,101 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10855. Sample No. 41105-F.)

LIBEL FILED: October 1, 1943, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 17, 1943, by the Texas Food Products Co., Mission, Tex.

PRODUCT: 1,101 cases, each containing 24 cans, of tomatoes at New Orleans, La.

LABEL, IN PART: "Iona Tomatoes * * * Standard Quality Grade C The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article was substandard in quality because the strength and redness of color of the tomatoes failed to meet the requirements for color prescribed in the standard, and because the tomato peel per pound of canned tomatoes exceeded the amount permitted for standard quality canned tomatoes, and its label failed to bear a statement that the article was below standard.

DISPOSITION: December 1, 1943. The claimant, Texas Food Products Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

5949. Adulteration and misbranding of tomato catsup. U. S. v. 218 Cases of Tomato Catsup (and 5 other seizure actions against tomato catsup). Default decrees of condemnation. Portion ordered delivered to a charitable institution for use as animal feed; remainder ordered destroyed. (F. D. C. Nos. 11070, 11086, 11130, 11150, 11222, 11764. Sample Nos. 8339-F, 40972-F, 41117-F, 43825-F, 48174-F, 62471-F.)

LIBELS FILED. Between November 5, 1943, and February 7, 1944, Northern District of Texas, Eastern District of Louisiana, District of Minnesota, Eastern District of Arkansas, Western District of Missouri, Middle District of Tennessee.

ALLEGED SHIPMENT: From on or about September 18, to October 21, 1943, by the Frazier Packing Corporation, Elwood, Ind.

PRODUCT: 218 cases at Kansas City, Mo., 14 cases at New Orleans, La., 120 cases at Little Rock, Ark., 75 cases at Minneapolis, Minn., 70 cases at Nashville, Tenn., and 109 cases at Dallas, Tex.; each containing 24 bottles of tomato catsup.

LABEL, IN PART: (Bottles) "Frazier's Superfine Tomato Catsup," or "Frazier's Tomato Catsup."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), all lots consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (a) (lots at Kansas City and New Orleans), the name "Superfine Tomato Catsup," and the statement on the label, "All Products Bearing This Label Are Guaranteed to Comply with the Pure Food Laws," were false and misleading.

DISPOSITION: Between December 27, 1943, and March 23, 1944. No claimant having appeared, judgments of condemnation were entered. The lot at Dallas was ordered delivered to a charitable institution, to be used for animal feed, and the other lots were ordered destroyed.

5950. Adulteration of tomato catsup. U. S. v. 90 Cases and 141 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 11112, 11128. Sample Nos. 4151-F, 43843-F.)

LIBELS FILED: On or about November 15, 1943, Western District of Missouri; and November 15, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 5, 1943, from Vincennes, Ind., and on or about October 23, 1943, from Seymour, Ind., by the Vincennes Packing Corporation.

PRODUCT: 90 cases of tomato catsup at Kansas City, Mo., and 141 cases at Cincinnati, Ohio.

LABEL, IN PART: "Washington Brand Tomato Catsup," or "Alice of Old Vincennes Tomato Catsup."