

PRODUCT: 100 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: (Cans) "Cardinal Brand Tomatoes * * * Packed by Kent Packing Co. Rock Hall, Md."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be disposed of only in compliance with the law. The unfit portion was segregated and destroyed under the supervision of the Food and Drug Administration.

6751. Adulteration of canned tomatoes. U. S. v. 221 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12169: Sample Nos. 53498-F, 59040-F.)

LIBEL FILED: On or about April 20, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 12, 1943, by Henson Bros., Elliston, Va.

PRODUCT: 221 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bradshaw, W. Va.

LABEL, IN PART: "Valley View Brand Hand Packed Tomatoes * * * Packed For Valley View Canning Co. Elliston, Virginia."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 5, 1944. Dry Fork Wholesale Grocery Co., Bradshaw, W. Va., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the adulterated portion under the supervision of the Food and Drug Administration. The unfit portion was destroyed.

6752. Misbranding of canned tomatoes. U. S. v. 1,245 Cases and 1,797 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11548. Sample Nos. 35547-F, 35548-F.)

LIBEL FILED: January 1, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about September 10 and 23, 1943, by the W. H. Killian Co., from Baltimore, Md.

PRODUCT: 3,042 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Charlotte, N. C.

Examination showed some of the product to be grade C tomatoes.

LABEL, IN PART: (Cans) "Sultana Grade B Tomatoes * * * The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement "Grade B," which appeared on the label of the article, was false and misleading as applied to the product, which fell below that quality grade.

DISPOSITION: March 11, 1944. The W. H. Killian Co. 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.

6753. Misbranding of canned tomatoes. U. S. v. 848 Cases and 249 Cases of Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11151. Sample Nos. 58505-F, 58506-F.)

LIBEL FILED: November 19, 1943, Western District of Virginia.

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

PRODUCT: 1,097 cases, each containing 24 cans, of tomatoes at [Radford, Va.

LABEL, IN PART: (Cans) "Realm Vine Ripened Tomatoes * * * Distributed by Household Products Co., General Offices, Chicago."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product fell below the standard of quality prescribed by the regulations because of peel in excess of 1 square inch per pound of canned tomatoes, the maximum peel permitted by the standard, and it did not bear the substandard legend.