

8955. Adulteration of canned tomatoes. U. S. v. 1,787 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 15218. Sample No. 90190-F.)

LIBEL FILED: February 7, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about September 28, 1944, by the Evans Canning Co., from Galena, Mo.

PRODUCT: 1,787 cases, each containing 24 cans, of tomatoes at Little Rock, Ark.

LABEL, IN PART: "Evans Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its disagreeable odor and taste, which rendered it unpalatable.

DISPOSITION: May 1, 1945. The Evans Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered on April 12, 1945, and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. On April 30, 1945, further analysis of samples having shown that the product was unfit for human consumption, the court ordered it destroyed. On May 1, 1945, by amended order, the product was ordered delivered to a public institution, for use as animal feed.

8956. Misbranding of canned tomatoes. U. S. v. 107 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15317. Sample No. 2249-H.)

LIBEL FILED: March 6, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about November 21, 1944, by the Southgate Brokerage Co., Inc., from Norfolk, Va.

PRODUCT: 107 cases, each containing 24 cans, of tomatoes at Greenville, S. C.

This product contained liquid, small pieces of tomatoes, and peel in excess of the amounts prescribed by the regulations.

LABEL, IN PART: (Can) "Contents 1 lb. 3 oz. Virginia Chief Brand Tomatoes Packed by C. L. Hammack-Port Royal, Va."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes since the drained weight was less than 50 percent of the weight of water required to fill the container, the product contained excessive peel, and it was not labeled as substandard, as required by the regulations.

DISPOSITION: April 16, 1945. C. L. Hammack, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

8957. Adulteration of tomato catsup. U. S. v. 38 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 15299. Sample No. 2223-H.)

LIBEL FILED: March 6, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about December 26, 1944, by the S. J. Van Lill Co., from Baltimore, Md.

PRODUCT: 38 cases, each containing 24 8-ounce bottles, of tomato catsup at Greenville, N. C.

LABEL, IN PART: (Bottle) "Van Lill's Astoria Brand Pure Tomato Catsup."

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

DISPOSITION: April 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8958. Adulteration of tomato juice. U. S. v. 1,001 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 7572. Sample No. 79681-E.)

LIBEL FILED: May 27, 1942, Middle District of Tennessee; amended March 16, 1943.

ALLEGED SHIPMENT: On or about March 25, 1942, by the King Packing Co., from Sweetser, Ind.

PRODUCT: 1,001 cases, each containing 24 20-ounce cans, of tomato juice at Nashville, Tenn.