

ments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 4, 1946. Pleas of nolo contendere having been entered, each defendant was fined \$100.

#### TOMATOES AND TOMATO PRODUCTS

**10651. Adulteration of canned tomatoes. U. S. v. 1,289 Cases \* \* \*. (F. D. C. No. 18068. Sample No. 24682-H.)**

LIBEL FILED: October 31, 1945, Middle District of Alabama.

ALLEGED SHIPMENT: On or about September 11, 1945, by Phillips Brothers, from Salisbury, Md.

PRODUCT: 1,289 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Montgomery, Ala.

LABEL, IN PART: "Willow Brook Tomatoes."

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

DISPOSITION: November 15, 1945. The Schloss & Kahn Grocery Co., Montgomery, Ala., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be separated from the fit portion and that both be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

**10652. Adulteration and misbranding of canned tomatoes. U. S. v. 512 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 18523, 18524. Sample Nos. 35134-H, 35139-H.)**

LIBELS FILED: December 4 and on or about December 12, 1945, Eastern and Western Districts of Missouri.

ALLEGED SHIPMENT: On or about September 29 and October 3, 1945, by the Kuhn Canning Co., from Bonner Springs, Kans.

PRODUCT: 512 cases and 547 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Kirksville and Sedalia, Mo., respectively.

LABEL, IN PART: "Mayflower Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for canned tomatoes since it contained added water, which is not a permitted ingredient in the definition and standard.

DISPOSITION: February 28, 1946. The Kuhn Canning Co. having appeared as claimant, and the cases having been consolidated, 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 Food and Drug Administration.

**10653. Adulteration of tomato catsup. U. S. v. 119 Cases \* \* \*. (F. D. C. No. 18127. Sample No. 14043-H.)**

LIBEL FILED: November 15, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 28, 1945, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 119 cases, each containing 24 14-ounce bottles, of tomato catsup at Lima, Ohio.

LABEL, IN PART: "Jackson Brand Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.