

**DISPOSITION:** October 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11682. Adulteration of tomato puree. U. S. v. 591 Cases \* \* \*. (F. D. C. No. 21186. Sample No. 61438-H.)**

**LIBEL FILED:** October 23, 1946, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 21, 1946, by the Adams Gardens Food Products Co., from Harlingen, Tex.

**PRODUCT:** 591 cases, each containing 6 No. 10 cans, of tomato puree at Olympia, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and fly eggs.

**DISPOSITION:** December 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11683. Adulteration of tomato puree. U. S. v. 527 Cases \* \* \*. (F. D. C. No. 21206. Sample No. 54565-H.)**

**LIBEL FILED:** October 2, 1946, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about June 28, 1946, by the Adams-Heaner Co., from Mercedes, Tex.

**PRODUCT:** 527 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Tampa, Fla.

**LABEL, IN PART:** "Altex Brand Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was composed in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

**DISPOSITION:** October 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11684. Adulteration of tomato puree. U. S. v. 552 Cases \* \* \*. (F. D. C. No. 20898. Sample No. 38195-H.)**

**LIBEL FILED:** September 30, 1946, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 1, 1946, by the Bennett-Ray Canning Co., from Pharr, Tex.

**PRODUCT:** 552 cases, each containing 6 No. 10 cans, of tomato puree at Chicago, Ill.

**LABEL, IN PART:** "Don-Rio Brand Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 3, 1947. The Bennett-Ray Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be converted into stock feed, under the supervision of the Federal Security Agency.

**11685. Adulteration of tomato puree and misbranding of canned tomatoes. U. S. v. 336 Cases of Canned Tomatoes (and 8 other seizure actions against canned tomatoes and tomato puree). (F. D. C. Nos. 21163, 21989, 22106 to 22109, incl., 22160, 22203, 22253. Sample Nos. 41979-H, 43085-H, 57495-H, 57496-H, 60840-H, 64327-H, 90711-H, 91022-H.)**

**LIBELS FILED:** Between the dates of October 11, 1946, and February 5, 1947, Western District of Pennsylvania, District of Columbia, District of Massachusetts, Eastern District of Virginia, and Southern and Eastern Districts of New York.

**ALLEGED SHIPMENT:** Between the approximate dates of July 29 and November 27, 1946, by A. W. Sisk & Son, from Aberdeen, Federalsburg, and Preston, Md.

**PRODUCT:** Canned tomatoes. 336 cases at Pittsburgh, Pa.; 154 cases at Boston, 192 cases at Brookline, and 433 cases at Beverly, Mass.; and 1,167 cases at Jamaica, N. Y.

Tomato puree. 449 cases at Washington, D. C.; 900 cases at Norfolk, Va.; and 279 cases at New York, N. Y.

Each case of canned tomatoes contained 24 1-pound, 3-ounce cans, and each case of tomato puree contained 6 6-pound, 8-ounce cans.

**LABEL, IN PART:** "Pride Brand Tomatoes \* \* \* Packed by B. E. Harrington & Son, Taylors Island, Md.," "Red-Glo Tomatoes," "Kent Farm Brand Tomatoes Albert W. Sisk and Son Distributors—Not Manufacturers Preston, Maryland," or "Wright's Tomato Puree \* \* \* Packed in U. S. A. by John N. Wright, Jr. Federalsburg, Md."

**NATURE OF CHARGE:** Tomato puree. 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.

Canned tomatoes. Misbranding, Section 403 (h) (1), the quality of the article was below standard because of an excess of tomato peel and blemishes, and its label failed to bear a statement that it was substandard.

**DISPOSITION:** Between the dates of January 17 and March 6, 1947. C. Foster Mathews & Sons, Kingston, Md., Wright Brothers, Federalsburg, Md., and B. E. Harrington & Son, Taylors Island, Md., having appeared as claimants for the canned tomatoes, and no claimant having appeared for the tomato puree, judgments of condemnation were entered. It was ordered that the canned tomatoes be released under bond, conditioned that they be relabeled under the supervision of the Federal Security Agency, and that the tomato puree be destroyed, except for such portion of the New York lot as might be required by the Food and Drug Administration.

**11686. Adulteration and misbranding of tomato puree. U. S. v. 637 Cases \* \* \*.** (F. D. C. No. 21173. Sample No. 67413-H.)

**LIBEL FILED:** October 8, 1946, Northern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about June 12, 1946, by the Delta Canning Co., from Raymondville, Tex.

**PRODUCT:** 637 cases, each containing 48 10½-ounce cans, of tomato puree at Tulsa, Okla.

**LABEL, IN PART:** "Frost Brand Tomato Puree."

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

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

**DISPOSITION:** October 28, 1946. Default decree of condemnation and destruction.

**11687. Misbranding of tomato puree. U. S. v. 197 Cases, etc.** (F. D. C. Nos. 20874, 21010. Sample Nos. 1288-H, 1289-H.)

**LIBELS FILED:** September 13 and 20, 1946, Middle District of Alabama and Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about June 28, 1946, by the Northwestern Canning & Packing Co., from Seffner, Fla.

**PRODUCT:** Tomato puree. 197 cases at Dothan, Ala., and 97 cases at Bainbridge, Ga. Each case contained 24 1-pound, 3-ounce cans, of the product.

**LABEL, IN PART:** "Old Glory Brand Tomato Puree."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** October 18 and November 1, 1946. Default decrees of condemnation. The Dothan lot was ordered destroyed, and the Bainbridge lot was ordered delivered to a Federal institution.

**11688. Adulteration of tomato sauce. U. S. v. 99 Cases \* \* \*.** (F. D. C. No. 21167. Sample No. 59059-H.)

**LIBEL FILED:** On or about October 14, 1946, District of Montana.

**ALLEGED SHIPMENT:** On or about June 12, 1946, by Tyrrell & Garth, Inc., from Los Fresnos, Tex.