

Birmingham lot. Adulteration, Section 402 (b) (2), a product 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 of identity, since it contained added water; and, Section 403 (h) (1), it was substandard in quality because of low drained weight.

Hannibal lot. Misbranding, Section 403 (h) (1), the product was substandard in quality because of low drained weight.

DISPOSITION: December 2 and 12, 1946, and April 14 and 28 and May 15 and 26, 1947. The Smith Canning Co., Fayetteville, Ark., the Jordan Stevens Co., Minneapolis, Minn., the C. and C. Co., Galveston, Tex., the Retailers Supply Co., St. Louis, Mo., and the Wetterau Grocer Co., Inc., Hannibal, Mo., claimants for the respective lots of the article, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

12574. Adulteration and misbranding of canned tomatoes. U. S. v. 348 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 23947 to 23949, incl. Sample Nos. 22411-K to 22413-K, incl.)

LIBELS FILED: November 6, 1947, Middle District of Alabama.

ALLEGED SHIPMENT: On or about August 27 and 30 and September 12, 1947, by the Watkins Produce Co., Thomasville, Ga.

PRODUCT: 348 cases at Montgomery, Ala., and 999 cases at Dothan, Ala., each case containing 44 cans of tomatoes.

LABEL, IN PART: "Rich-West Brand Tomatoes * * * Packed by Belmont Canning Company, Threeway, Va."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been processed by heat to prevent spoilage.

DISPOSITION: December 5, 1947. Default decrees of condemnation and destruction.

12575. Adulteration and misbranding of canned tomatoes. U. S. v. 24 Cases * * * (F. D. C. No. 23971. Sample No. 26607-K.)

LIBEL FILED: November 13, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 5, 1947, by the McKnight-Keaton Grocery Co., from Cairo, Ill.

PRODUCT: 24 cases, each containing 6 cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Made to Eat Hand Packed Tomatoes Contents 6 Lbs. 7 Oz. [or "Twin Brand Tomatoes Contents 6 Lbs. 6 Oz."] Packed by Nagle Packing Co., Inc. Paducah, Ky."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: December 10, 1947. Default decree of condemnation and destruction.

12576. Adulteration of canned tomatoes. U. S. v. 100 Cases * * *. (F. D. C. No. 21359. Sample No. 67660-H.)

LIBEL FILED: October 23, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 13, 1946, by the Kuhn Canning Company, from Bonner Springs, Kans.

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

LABEL, IN PART: "Red Raven Hand Packed Tomatoes * * * Distributed By Cannery Exchange, Inc. Springfield, Mo."

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

DISPOSITION: November 27, 1946. The Kuhn Canning Company having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was sorted, and the abnormal cans, 28 cases, were destroyed.

12577. Misbranding of canned tomatoes. U. S. v. 1,457 Cases * * *. (F. D. C. No. 23686. Sample No. 49568-H.)

LIBEL FILED: September 8, 1947, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about July 2, 1947, by the Peace River Canning Co., from Edinburg, Tex.

PRODUCT: 1,457 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Brookhaven, Miss.

LABEL, IN PART: "Peace River Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality because it failed to meet the requirements for color and because the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch.

DISPOSITION: November 4, 1947. The Southern Wholesale Company, Brookhaven, Miss., claimant, having consented to the entry of a decree, 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.

12578. Misbranding of canned tomatoes. U. S. v. 300 Cases * * *. (F. D. C. No. 24180. Sample No. 30242-K.)

LIBEL FILED: December 11, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about November 14, 1947, by the Valley View Canning Co., from Santa Maria, Calif.

PRODUCT: 300 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at New York, N. Y.

LABEL, IN PART: "Mariposa Brand California Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to conform to 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, and the label failed to bear a statement that the product was below standard.

DISPOSITION: January 29, 1948. The Valley View Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

12579. Misbranding of canned tomatoes. U. S. v. 296 Cases * * *. (F. D. C. No. 23932. Sample Nos. 26085-K, 26089-K.)

LIBEL FILED: November 18, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 4, 1947, by the Robinson Canning Co., from Siloam Springs, Ark.

PRODUCT: 296 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "King of Ozarks Brand Standard Grade Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below the standard of quality for canned tomatoes, in that the drained weight of the contents of the container was less than 50 percent of the weight of water required to fill the container, and the product was not labeled as substandard.

DISPOSITION: January 26, 1948. The Allen Canning Co., Siloam Springs, Ark., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be rebranded under the supervision of the Federal Security Agency.

12580. Adulteration of tomato catsup. U. S. v. 197 Cases * * *. (F. D. C. No. 17175. Sample No. 29140-H.)

LIBEL FILED: August 23, 1945, District of Hawaii.

ALLEGED SHIPMENT: On or about July 27, 1945, by American Factors, Ltd., from San Francisco, Calif.