

segregating the product into lots by code and relabeling the lots found to be below standard, under the supervision of the Federal Security Agency.

12965. Misbranding of canned tomatoes. U. S. v. 175 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21908, 23820. Sample Nos. 49955-H, 22002-K.)

LABELS FILED: December 2, 1946, and November 8, 1947, Northern District of Alabama and Southern District of Mississippi.

ALLEGED SHIPMENT: On or about August 8, 1946, and August 8, 1947, by the Humboldt Canning Co., from Humboldt, Tenn.

PRODUCT: Canned tomatoes. 175 cases at Sheffield, Ala., and 1,347 cases at Meridian, Miss. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Davy Crockett Brand Hand Packed Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of excessive peel and blemishes, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: December 18, 1946, and December 18, 1947. The Humboldt Canning Co., claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

12966. Misbranding of canned tomatoes. U. S. v. 1,498 Cases * * *. (F. D. C. No. 23699. Sample No. 83169-H.)

LABEL FILED: September 15, 1947, Western District of Kentucky.

ALLEGED SHIPMENT: On or about July 31, 1947, by the De Kalb Canning Co., from De Kalb, Tex.

PRODUCT: 1,498 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Louisville, Ky.

LABEL, IN PART: "Dek-Pak Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes, and it was not labeled to show that it was substandard. It failed to meet the test for color, and it contained excessive peel.

DISPOSITION: March 2, 1948. The De Kalb Canning Co., claimant, 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.

12967. Misbranding of canned tomatoes. U. S. v. 630 Cases * * *. (F. D. C. No. 24369. Sample No. 26238-K.)

LABEL FILED: March 5, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 19, 1947, by Eagle Pass Food Products, Inc., from Crystal City, Tex.

PRODUCT: 630 cases, each containing 24 unlabeled cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: (Cases) "24 No. 2 cans Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (g) (2), it purported to be, and was represented as, canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the food specified in such definition and standard; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel, and its label failed to bear the substandard legend.

DISPOSITION: April 1, 1948. Eagle Pass Food Products, Inc., claimant, having consented to the entry of a decree, 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.