

apricots were packed in light sirup and the apricot halves were packed in slightly sweetened water. Further misbranding, Section 403 (g) (2), the products purported to be and were represented as canned apricots, a food for which a definition and standard of identity has been prescribed by the regulations; and the label failed to bear as required by the regulations the name of the optional packing medium present in the food since the label of the whole apricots bore the statement "In Heavy Syrup," although the product was packed in light sirup, and the label of the apricot halves bore the statement "In Light Syrup," although the product was packed in slightly sweetened water.

Diced peaches and pears. Misbranding, Section 403 (a), the label statement "Diced" and the design depicting diced peaches and pears, displayed on the cans, were false and misleading since the product consisted of chopped peaches and pears.

DISPOSITION: October 18, 1947. A plea of guilty having been entered, the defendant was fined \$5,000.

**13674. Adulteration of tomato puree. U. S. v. 59 Cases \* \* \*. (F. D. C. No. 17747. Sample No. 30016-H.)**

**LIBEL FILED:** October 26, 1945, Territory of Hawaii.

**ALLEGED SHIPMENT:** On or about September 19, 1945, by Theo. H. Davies & Co., Ltd., from San Francisco, Calif.

**PRODUCT:** 59 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Honolulu, T. H.

**LABEL, IN PART:** "Tomato Puree \* \* \* Packed by Sunseri Packing Co. Campbell Calif."

**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: February 26, 1946. Theo. H. Davies & Co., Ltd., owner and claimant of the product, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**13675. Adulteration of tomato puree. U. S. v. 312 Cases \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 22293, 22295, 22296, 22549. Sample Nos. 41986-H, 43182-H, 90743-H, 90745-H.)**

**LIBELS FILED:** On or about February 14 and 19, 1947, Eastern and Western Districts of West Virginia and District of Columbia.

**ALLEGED SHIPMENT:** On or about November 11, 19, and 25, and December 2, 1946, by A. W. Sisk & Son, from Federalsburg, Md.

**PRODUCT:** Tomato puree. 312 cases at Norfolk, Va., 611 cases at Washington, D. C., and 497 cases at Danville, Va. Each case contained 6 cans.

**LABEL, IN PART:** "Wright's Tomato Puree \* \* \* Contents 6 Lbs. 8 Oz. Packed in U. S. A. by John N. Wright, Jr. Federalsburg, Md."

**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.

Misbranding (Danville lot), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: March 25 and 31 and September 5, 1947. Default decrees of condemnation. It was ordered that the Danville lot be delivered to a charitable organization, to be used for purposes other than for human consumption, and that the other lots be destroyed.

**13676. Adulteration and misbranding of tomato puree. U. S. v. 1,597 Cases \* \* \*. (F. D. C. No. 22182. Sample No. 64825-H.)**

**LIBEL FILED:** January 13, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about October 25, 1946, by Charles Goodman, from Los Angeles, Calif.

**PRODUCT:** 1,597 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Maspeth, Long Island, N. Y.

**LABEL, IN PART:** "Tamco Brand Tomato Puree \* \* \* Packed by Tastemore Canning Co. Baldwin Park Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

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:** June 22, 1948. The Sweet Life Food Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be utilized in the production of alimentary pastes with tomato sauce, under the supervision of the Food and Drug Administration.

**13677. Adulteration and misbranding of tomato puree. U. S. v. 500 Cases**  
\* \* \* (F. D. C. No. 22181. Sample No. 64826-H.)

**LIBEL FILED:** January 13, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about November 1, 1946, by S. M. Schiff, from Bassett, Calif.

**PRODUCT:** 500 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Maspeth, Long Island, N. Y.

**LABEL, IN PART:** "Tamco Brand Tomato Puree \* \* \* Packed by Tastemore Canning Co., Baldwin Park Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

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 standard.

**DISPOSITION:** June 22, 1948. The Sweet Life Food Corp., Maspeth, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use in the production of alimentary pastes with tomato sauce, under the supervision of the Food and Drug Administration.

**13678. Misbranding of tomato puree. U. S. v. 382 Cases** \* \* \* (F. D. C. No. 24626. Sample Nos. 6445-K, 6838-K.)

**LIBEL FILED:** May 6, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about October 2, 1946, by the Califruit Canning Co., from Manteca, Calif.

**PRODUCT:** 382 cases, each containing 48 cans, of tomato puree at Rochester, N. Y.

**LABEL, IN PART:** "Valia Brand Tomato Puree Contents 10½ Ounces Avd."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 10½ ounces.)

**DISPOSITION:** September 22, 1948. The United Wholesale Grocers Co., Rochester, N. Y., 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.

**13679. Misbranding of tomato puree. U. S. v. 78 Cases, etc.** (F. D. C. No. 24616. Sample Nos. 26785-K, 26786-K.)

**LIBEL FILED:** April 29, 1948, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about January 9, 1948, by the Uddo & Taormina Co., from Crystal Springs, Miss.

**PRODUCT:** Tomato puree. 78 cases, each containing 6 No. 10 cans, and 66 cases, each containing 100 4¾-ounce cans, at Little Rock, Ark.

**LABEL, IN PART:** (Portion) "Baby Brand Tomato Puree Net Contents 4¾ Oz."; (remainder) "Baby Brand Tomatoes Contents 10 Oz."

**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; and, Section 403 (e) (2), (No. 10 cans) the product failed to bear a label containing an accurate