

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court and jury on January 26, 1948. On January 29, 1948, the jury returned a verdict of not guilty.

TOMATOES AND TOMATO PRODUCTS

15439. Adulteration and misbranding of canned tomatoes. U. S. v. 1,230 Cases
* * *. (F. D. C. No. 27876. Sample No. 47744-K.)

LIBEL FILED: September 28, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about July 30, 1949, by Albert W. Sisk & Son, from Cambridge, Md.

PRODUCT: 1,230 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Logan, W. Va.

LABEL, IN PART: "Pride of the Field * * * Tomatoes Packed By Leonard Simmons, Madison, Md."

NATURE OF CHARGE: 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 for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes in the definition and standard.

DISPOSITION: November 5, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution since there was no substance in the product which made it unfit for human consumption.

15440. Adulteration and misbranding of canned tomatoes. U. S. v. 597 Cases
* * *. (F. D. C. No. 28057. Sample No. 47632-K.)

LIBEL FILED: October 17, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 10, 1949, by Albert W. Sisk & Son, from Salem, Md.

PRODUCT: 597 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Norfolk, Va.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: November 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

15441. Adulteration and misbranding of canned tomatoes. U. S. v. 165 Cases
* * *. (F. D. C. No. 28047. Sample No. 1942-K.)

LIBEL FILED: On or about October 13, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 26, 1949, by the Lively Canning Corp., from Lively, Va.

PRODUCT: 165 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Atlanta, Ga.

LABEL, IN PART: (Can) "Tomato Queen Brand * * * Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container of the article 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 article fell below such standard.

DISPOSITION: November 17, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use on the premises.

15442. Adulteration and misbranding of canned tomatoes. U. S. v. 19 Cases * * * (and 4 other seizure actions). (F. D. C. No. 27889. Sample No. 63766-K.)

LIBELS FILED: October 12, 1949, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 5 and 8, 1949, the Lively Canning Corp. shipped from Lively, Va., to Cairo, Ga., 1,621 cases of canned tomatoes, and thereafter certain portions of the product were shipped from Cairo, Ga., to Amsterdam, Thomasville, and Attapulugus, Ga.

PRODUCT: 77 $\frac{1}{24}$ cases, each full case containing 24 1-pound, 3-ounce cans, of tomatoes at Amsterdam, Thomasville, and Attapulugus, Ga.

LABEL, IN PART: "Tomato Queen Brand * * * Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality and strength.

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

DISPOSITION: November 10, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use and not for sale.

15443. Misbranding of canned tomatoes. U. S. v. 54 Cases * * *. (F. D. C. No. 28255. Sample No. 61668-K.)

LIBEL FILED: October 31, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about August 22, 1949, by the Humboldt Canning Co., from Humboldt, Tenn.

PRODUCT: 54 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Cairo, Ill.

LABEL, IN PART: (Can) "Forked Deer Brand * * * Hand Packed Tomatoes."