

**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 worms.

**DISPOSITION:** April 22, 1949. The Princeville Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 513 cases of the 2,738 cases seized were segregated as satisfactory. Arrangements were made for the destruction of the remainder of the product by feeding it to hogs.

### TOMATOES\*

**15587. Adulteration of canned tomatoes. U. S. v. 198 Cases \* \* \*. (F. D. C. No. 27715. Sample No. 51690-K.)**

**LIBEL FILED:** August 24, 1949, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about April 2, 1949, by the Dupont Canning Co., from Dupont, Ind.

**PRODUCT:** 198 cases, each containing 6 1-pound, 12-ounce cans, of tomatoes at Cincinnati, Ohio.

**LABEL, IN PART:** "Morris Hand Packed Tomatoes \* \* \* Morris Packing Co., Inc., Indianapolis, Ind."

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

**DISPOSITION:** August 26, 1949. The consignee of the product having consented to, the entry of a decree, judgment was entered ordering that the product be destroyed.

**15588. Adulteration and misbranding of canned tomatoes. U. S. v. 592 Cases \* \* \*. (F. D. C. No. 28037. Sample No. 47624-K.)**

**LIBEL FILED:** October 10, 1949, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about August 22, 1949, by A. W. Sisk & Son, from Preston, Md.

**PRODUCT:** 592 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Norfolk, Va.

**LABEL, IN PART:** (Can) "Red-Glo Tomatoes \* \* \* Albert W. Sisk & Son Distributors—Not Manufacturers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk and 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 had not been so processed by heat as to prevent spoilage and it contained added water, which is not permitted as an ingredient of canned tomatoes.

**DISPOSITION:** November 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, after segregation and destruction of all cans containing decomposed tomatoes.

\*Tomato juice, see Beverages and beverage materials.