

**15743. Adulteration and misbranding of canned tomatoes. U. S. v. 42 Cases \* \* \*. (F. D. C. No. 28075. Sample No. 63724-K.)**

**LIBEL FILED:** On or about October 27, 1949, Northern District of Florida.

**ALLEGED SHIPMENT:** On or about September 20, 1949, by the H. V. Kell Co., from Cairo, Ga.

**PRODUCT:** 42 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Tallahassee, Fla.

**LABEL, IN PART:** (Can) "Tomato Queen Brand Hand Packed Tomatoes \* \* \* Packed By Lively Canning Corp., Lively, Va."

**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 in the definition and standard.

**DISPOSITION:** January 27, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for human or animal consumption.

**15744. Adulteration of tomato puree. U. S. v. 2,000 Cases \* \* \*. (F. D. C. No. 28239. Sample No. 40286-K.)**

**LIBEL FILED:** October 26, 1949, District of Maryland.

**ALLEGED SHIPMENT:** During September 1949, by Phillips Packing Co., Inc., from Laurel, Del.

**PRODUCT:** 2,000 cases, each containing 6 No. 10 cans, of tomato puree at Cambridge, 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.

**DISPOSITION:** January 12, 1950. Default decree of condemnation. The court ordered that the product be released to the Baltimore Zoo, for use as animal feed.

**15745. Adulteration of tomato puree. U. S. v. 11 Cases \* \* \*. (F. D. C. No. 28239. Sample No. 13425-K.)**

**LIBEL FILED:** November 14, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 4, 1948, from Sacramento, Calif.

**PRODUCT:** 11 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 2, 1950. Default decree of condemnation and destruction.