

TOMATOES AND TOMATO PRODUCTS*

15788. Adulteration of canned tomatoes. U. S. v. 750 Cases * * *. (F. D. C. No. 28366. Sample No. 47538-K.)

LIBEL FILED: November 18, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about September 20, 1949, by Vincent Losito & Sons, from Toughkenamon, Pa.

PRODUCT: 750 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hornell, N. Y.

LABEL, IN PART: "N & N * * * Hand Packed Tomatoes * * * Packed by Earl K. and John H. Norris, Pomeroy, Pa."

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 fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 27, 1950. Default decree of condemnation and destruction.

15789. Adulteration of canned tomatoes. U. S. v. 74 Cases * * *. (F. D. C. No. 28354. Sample No. 71980-K.)

LIBEL FILED: November 15, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 28, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

PRODUCT: 74 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Columbus, Ohio.

LABEL, IN PART: "White Fairy Brand Tomatoes."

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: On or about January 30, 1950. Default entered. The court ordered that the product be delivered to a Federal institution, for use as stock feed.

15790. Adulteration and misbranding of canned tomatoes. U. S. v. 808 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 27961, 28058, 28243, 28364. Sample Nos. 13588-K, 56790-K, 56791-K, 63013-K.)

LIBELS FILED: October 17 and 28 and November 3 and 19, 1949, Northern District of New York, District of Maine, and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 16 and 17 and September 3 and 15, 1949, by A. W. Sisk & Son, from Federalsburg, Linkwood, Salem, Swards, and Cambridge, Md.

PRODUCT: 2,699 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Albany and Cohoes, N. Y., Bangor, Maine, and Primos, Pa.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes * * * Albert W. Sisk & Son, Distributors—Not Manufacturers" and "Garden of Eden Brand Tomatoes * * * Packed By W. H. Leonard & Sons Cambridge, Maryland."

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 defi-

*See also Nos. 15752-15754.

dition 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. Further misbranding, Section 403 (h) (1), a portion (124 cases) of the article was substandard in quality because of the presence of excessive peel, and its label failed to bear a statement that it was below standard.

DISPOSITION: November 29, 1949, and January 5, 26, and 28, 1950. Default decrees of condemnation. The court ordered that 1 lot of the product be destroyed and that the other three lots of the product be delivered to charitable institutions for their use, and not for sale.

15791. Misbranding of canned tomatoes. U. S. v. 978 Cases * * *. (F. D. C. No. 27232. Sample No. 1235-K.)

LIBEL FILED: May 25, 1949, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about November 12 and 18, 1948, by the Powell Brokerage Co., from Litwalton, Va.

PRODUCT: 978 cases, each containing 24 cans, of tomatoes at Rockingham, N. C.

LABEL, IN PART: (Can) "Ridgefield Brand Tomatoes 1 Lb. 3 Oz. Net Packed by Virginia Food Products, Ltd., Litwalton, Va."

NATURE OF CHARGE: Misbranding, 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 of the declared weight.)

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes, because of excessive peel and blemishes, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: March 17, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use, and not for sale.

15792. Misbranding of canned tomatoes. U. S. v. 747 Cases * * *. (F. D. C. No. 28363. Sample No. 56789-K.)

LIBEL FILED: November 19, 1949, Northern District of New York.

ALLEGED SHIPMENT: On or about August 17, 1949, by Albert W. Sisk & Son, from Salem, Md.

PRODUCT: 747 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Troy, N. Y.

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

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

DISPOSITION: January 26, 1950. Default decree of condemnation and destruction.

15793. Adulteration of tomato puree. U. S. v. 377 Cases * * *. (F. D. C. No. 28601. Sample No. 41959-K.)

LIBEL FILED: December 27, 1949, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about October 10, 1949, by the Blue River Packing Co., from Morristown, Ind.

PRODUCT: 377 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Milwaukee, Wis.