

TOMATOES AND TOMATO PRODUCTS*

16842. Misbranding of canned tomatoes. U. S. v. 1,209 Cases * * *.
(F. D. C. No. 29811. Sample No. 82249-K.)

LIBEL FILED: October 18, 1950, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 21, 1950, by Thomas Roberts & Co.,
from Salisbury, Md.

PRODUCT: 1,209 cases, each containing 6 No. 10 cans, of tomatoes at Charleston,
W. Va.

LABEL, IN PART: (Can) "Bel-Dine Tomatoes Contents 10 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below
the standard of quality for canned tomatoes since the drained weight of the
contents of the container was less than 50 percent of the weight of water re-
quired to fill the container, and the label failed to bear a statement that the
product fell below the standard; and the product contained tomato peel per
pound of canned tomatoes which covered an area of more than one square
inch, and the label failed to bear a statement that the product fell below the
standard.

Further misbranding, Section 403 (e) (2), the product failed to bear a
label containing an accurate statement of the quantity of the contents. (The
cans were labeled "10 Oz." but contained an average of 6 pounds, 5.4 ounces.)

DISPOSITION: November 8, 1950. Thomas Roberts & Co., Salisbury, Md., claim-
ant, 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
relabeling, under the supervision of the Federal Security Agency.

16843. Misbranding of canned tomatoes. U. S. v. 988 Cases * * *. (F. D. C.
No. 29804. Sample No. 82245-K.)

LIBEL FILED: October 16, 1950, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 18, 1950, by Albert W. Sisk & Son, from
Linkwood, Md.

PRODUCT: 988 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes
at Charleston, W. Va.

LABEL, IN PART: (Can) "Salem Brand * * * Tomatoes Packed By Salem
Packing Co. Thos. J. Faulkner & Sons, Salem, Md."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below
the standard of quality for canned tomatoes since the drained weight of the
contents of the container was less than 50 percent of the weight of water re-
quired to fill the container and the product contained tomato peel per pound
of canned tomatoes which covered an area of more than one square inch, and
the label failed to bear a statement that the product fell below the standard.

DISPOSITION: November 28, 1950. The Salem Packing 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 relabeling, under
the supervision of the Federal Security Agency.

16844. Misbranding of canned tomatoes. U. S. v. 598 Cases * * *. (F. D. C.
No. 29785. Sample No. 66952-K.)

LIBEL FILED: October 3, 1950, Middle District of North Carolina.

*See also No. 16837.