

## 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 required 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., 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.

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 required 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.