

## TOMATOES AND TOMATO PRODUCTS\*

**16936. Adulteration of canned tomatoes. U. S. v. 1,000 Cases \* \* \*. (F. D. C. No. 29882. Sample No. 84464-K.)**

**LIBEL FILED:** September 15, 1950, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 9, 1950, by Albert W. Sisk & Son, from Cambridge, Md.

**PRODUCT:** 1,000 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Portsmouth, Ohio.

**LABEL, IN PART:** "Cardinal Brand Tomatoes \* \* \* Packed By Walter T. Andrews & Son Cambridge, Maryland."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed the presence of "hard swells" and "springers," i. e., cans that had an abnormal external appearance indicating spoilage of their contents.)

**DISPOSITION:** November 8, 1950. Walter T. Andrews & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. 962 $\frac{1}{4}$  cases were segregated as fit for human consumption; the remainder were destroyed.

**16937. Adulteration of canned tomatoes. U. S. v. 378 Cases \* \* \*. (F. D. C. No. 29855. Sample No. 81791-K.)**

**LIBEL FILED:** October 30, 1950, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 16, 1950, by the Peter Capizola Canning Co., from Buena, N. J.

**PRODUCT:** 378 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Kellogg's Merion Brand Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 28, 1950. Default decree of condemnation and destruction.

**16938. Misbranding of canned tomatoes. U. S. v. 55 Cases \* \* \*. (F. D. C. No. 29783. Sample Nos. 78460-K, 78464-K.)**

**LIBEL FILED:** October 6, 1950, Western District of Washington.

**ALLEGED SHIPMENT:** On or about August 15, 1950, by Seiter's, Inc., from Post Falls, Idaho.

**PRODUCT:** 55 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Seattle, Wash.

**LABEL, IN PART:** (Can) "Lake City Brand Tomatoes."

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\*See also Nos. 16901, 16902.