

TOMATOES AND TOMATO PRODUCTS

17235. Misbranding of canned tomatoes. U. S. v. 804 Cases * * *. (F. D. C. No. 30462. Sample No. 85338-K.)

LIBEL FILED: On or about December 28, 1950, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about September 22, 1950, by the Jaqua Co., from Ansonia, Ohio.

PRODUCT: 804 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Wausau, Wis.

LABEL, IN PART: "K Quality Brand Tomatoes."

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

DISPOSITION: February 15, 1951. The Jaqua Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

17236. Misbranding of canned tomatoes. U. S. v. 275 Cases * * *. (F. D. C. No. 30132. Sample No. 67454-K.)

LIBEL FILED: On or about November 21, 1950, Western District of Virginia.

ALLEGED SHIPMENT: On or about August 30, September 15, and October 6, 1950, by Insley & Mitchell, from Salisbury, Md.

PRODUCT: 275 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Charlottesville, Va.

LABEL, IN PART: "I And M Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: January 2, 1951. Insley & Mitchell, a partnership, 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 to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was relabeled.

17237. Adulteration of tomato catsup and tomato puree. U. S. v. 54 Cases, etc. (F. D. C. No. 30397. Sample Nos. 95481-K, 95482-K.)

LIBEL FILED: January 25, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 2, 1950, by the C & E Cannery, from Folsom, N. J.

PRODUCT: 54 cases, each containing 6 6-pound, 8-ounce cans, of tomato catsup, and 36 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Allentown, Pa.

LABEL, IN PART: (Cans) "Lehigh Valley Brand Tomato Catsup" and "Eco Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of fly eggs and maggots, and of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: April 4, 1951. Default decree of condemnation and destruction.