

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 10, 1951. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

17284. Adulteration and misbranding of canned tomatoes. U. S. v. 478 Cases * * *. (F. D. C. No. 29864. Sample No. 65433-K.)

LIBEL FILED: November 9, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 29, 1950, by Merritt Food Products, Inc., from Sweetsers, Ind.

PRODUCT: 478 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Blossom Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product purported to be, and was represented as, canned tomatoes, and it failed to comply with the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient.

DISPOSITION: May 23, 1951. Merritt Food Products, Inc., 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 the purpose of converting it into a concentrated tomato product, under the supervision of the Food and Drug Administration.

17285. Misbranding of canned tomatoes. U. S. v. 984 Cases * * *. (F. D. C. No. 30200. Sample No. 91505-K.)

LIBEL FILED: December 21, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about September 11, 1950, by the Jaqua Co., from Ansonia, Ohio.

PRODUCT: 984 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Duluth, Minn.

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: March 13, 1951. Piggly Wiggly Northwest, Inc., Duluth, Minn., 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 relabeled, under the supervision of the Food and Drug Administration.

17286. Misbranding of canned tomatoes. U. S. v. 622 Cases * * *. (F. D. C. No. 30303. Sample No. 88336-K.)

LIBEL FILED: November 28, 1950, District of New Mexico.

ALLEGED SHIPMENT: On or about October 10, 1950, by Hargis Canneries, Inc., from Fayetteville, Ark.

PRODUCT: 622 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Albuquerque, N. Mex.

LABEL, IN PART: (Can) "Hand Packed Hargis Brand Tomatoes."