

**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."

**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, as specified by the regulations, that the product fell below such standard.

**DISPOSITION:** January 8, 1951. Hargis Canneries, 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 to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was relabeled.

**17287. Adulteration of tomato catsup. U. S. v. 95 Cases \* \* \*. (F. D. C. No. 30429. Sample No. 25093-L.)**

**LIBEL FILED:** February 7, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 19, 1950, by Clement Pappas & Co., from Cedarville, N. J.

**PRODUCT:** 95 cases, each containing 6 7-pound, 3-ounce cans, of tomato catsup at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Arthur Brand Fancy Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** April 16, 1951. Default decree of condemnation. The court ordered that the product under seizure, a total of 21 cases, be destroyed.

**17288. Adulteration of tomato juice. U. S. v. 2,397 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 30264, 30294. Sample Nos. 9520-K, 88852-K.)**

**LIBELS FILED:** November 17 and 22, 1950, Eastern District of Pennsylvania and District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 26, 1950, by the Vincennes Packing Corp., from Lockport, N. Y.

**PRODUCT:** Tomato juice. 2,397 cases at Philadelphia, Pa., and 900 cases at South Kearny, N. J. Each case contained 24 5 $\frac{3}{4}$ -ounce cans.

**LABEL, IN PART:** (Can) "Alice of old Vincennes \* \* \* Tomato Juice."

**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:** January 9 and 25, 1951. The Vincennes Packing Corp., Vincennes, Ind., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. Of the 1,655 cases seized at Philadelphia and the 816 cases seized at South Kearny, 394 and 269 cases, respectively, were segregated as unfit and were destroyed.

**17289. Adulteration of tomato juice. U. S. v. 17 Cases \* \* \*. (F. D. C. No. 30705. Sample No. 31964-L.)**

**LIBEL FILED:** On or about March 19, 1951, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about May 6, 1950, from Edcouch, Tex.

**PRODUCT:** 17 cases, each containing 24 1-pint, 2-ounce cans, of tomato juice at Springfield, Mo.