

**PRODUCT:** 996 cases, each containing 6 unlabeled No. 10 cans, of tomatoes at Chicago, Ill.

**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 since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the product failed to comply with the standard of quality for canned tomatoes since it contained excessive peel, and its label failed to bear, as specified by the regulations, a statement that the product fell below the standard.

**DISPOSITION:** March 28, 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 reprocessing, under the supervision of the Food and Drug Administration. The product was used as an ingredient in the manufacture of chili sauce.

**17383. Adulteration of tomato catsup. U. S. v. 600 Cases \* \* \*. (F. D. C. No. 30174. Sample No. 88872-K.)**

**LIBEL FILED:** November 30, 1950, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about November 7, 1950, by the Vincennes Packing Corp., from Lockport, N. Y.

**PRODUCT:** 600 cases, each containing 24 14-ounce bottles, of tomato catsup at Dayton, Ohio.

**LABEL, IN PART:** "Honey Grove Tomato Catsup."

**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:** February 7, 1951. The Vincennes Packing Corp., claimant, having admitted the allegations contained in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit portion from the unfit and destruction of the latter, under the supervision of the Food and Drug Administration. Segregation operations were unsuccessful, and the entire lot was destroyed.

**17384. Adulteration of tomato juice and tomato catsup. U. S. v. 160 Cases, etc. (and 1 other seizure action). (F. D. C. No. 30140. Sample Nos. 88851-K, 88853-K.)**

**LIBELS FILED:** On or about November 17, 1950, Middle District of Pennsylvania.

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

**PRODUCT:** 174 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice, and 552 cases, each containing 24 14-ounce bottles, of tomato catsup, at York, Pa.

**LABEL, IN PART:** "Shurfine Tomato Juice" or "Penn Dale Brand Tomato Catsup."