

PRODUCT: 147 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 18, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

TOMATOES AND TOMATO PRODUCTS

18177. Adulteration of canned tomatoes. U. S. v. 290 Cases, etc. (F. D. C. No. 32381. Sample Nos. 5568-L, 5569-L.)

LABEL FILED: December 27, 1951, District of Maine.

ALLEGED SHIPMENT: On or about November 2, 1951, by the McCarthy Canning Co., from Summitville, Ind.

PRODUCT: Tomatoes. 290 cases, each containing 24 1-pound, 12-ounce cans (with red labels), and 282 cases, each containing 24 1-pound, 12-ounce cans (with white labels), at Portland, Maine.

LABEL, IN PART: (Can) "Nation Wide 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 of a decomposed substance by reason of the presence of decomposed tomato material (cans with red labels), and of a filthy substance by reason of the presence of fly eggs and maggots (cans with white labels).

DISPOSITION: February 25, 1952. Default decree of condemnation and destruction.

18178. Adulteration of canned tomatoes. U. S. v. 102 Cases * * *. (F. D. C. No. 32389. Sample No. 25969-L.)

LABEL FILED: January 2, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 16, 1951, by Albert W. Sisk & Son, from Swards, Md.

PRODUCT: 102 cases, each containing 24 1-pound cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes."

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 23, 1952. No claimant having appeared and the shipper having disclaimed interest in the property, judgment of condemnation was entered and the court ordered that the product be destroyed.

18179. Adulteration of canned tomatoes. U. S. v. 59 Cases * * *. (F. D. C. No. 32371. Sample No. 25967-L.)

LABEL FILED: December 20, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 16, 1951, by Albert W. Sisk & Son, from Swards, Md.

PRODUCT: 59 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: (Can) "Farm Fresh Brand Tomatoes."

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 21, 1952. No claimant having appeared and the shipper having disclaimed any interest in the property, judgment of condemnation was entered and the court ordered that the product be destroyed.

18180. Misbranding of canned tomatoes. U. S. v. 649 Cases * * *. (F. D. C. No. 31887. Sample No. 11012-L.)

LIBEL FILED: October 11, 1951, Western District of Kentucky.

ALLEGED SHIPMENT: On or about September 18, 1951, by the Gibsonburg Canning Co., Inc., from Gibsonburg, Ohio.

PRODUCT: 649 cases, each containing 24 1-pound cans, of tomatoes at Louisville, Ky.

LABEL, IN PART: "Avondale Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations, and the label of the article failed to bear in such manner and form as the regulations require a statement declaring added calcium.

DISPOSITION: January 7, 1952. The Kroger Co., Louisville, Ky., 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 relabeling under the supervision of the Federal Security Agency.

18181. Misbranding of canned tomatoes. U. S. v. 64 Cases * * *. (F. D. C. No. 32550. Sample No. 13013-L.)

LIBEL FILED: February 27, 1952, District of New Mexico.

ALLEGED SHIPMENT: On or about July 20, 1951, by the Texas Coastal Foods Co., from Edinburg, Tex.

PRODUCT: 64 cases, each containing 48 10-ounce cans, of tomatoes at Clovis, N. Mex.

LABEL, IN PART: (Can) "Tomatoes Hand Packed Reagan's Brand * * * Reagan Canning Company McAllen, Texas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it failed to meet the requirement for color as prescribed by such standard, and the label failed to bear a statement that the product fell below such standard; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned tomatoes since it contained less than 90% of the total capacity of the container, and the label failed to bear a statement that the product fell below such standard.

DISPOSITION: March 27, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

18182. Adulteration and misbranding of tomato catsup. U. S. v. 35 Cases * * *. (F. D. C. No. 32368. Sample No. 13302-L.)

LIBEL FILED: On or about December 27, 1951, District of New Mexico.