

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.