

maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

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 its label failed to bear, as required by the definition and standard, the name of the optional ingredient, calcium salt or calcium salts, present in the article.

DISPOSITION: January 2, 1952. A default decree was entered, ordering that the product be denatured for use as animal feed or destroyed.

18429. Adulteration and misbranding of canned tomatoes. U. S. v. 549 Cases * * *. (F. D. C. No. 32076. Sample No. 18946-L.)

LABEL FILED: November 9, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about September 14, 1951, by the Westwood Canning Co., Inc., from New Castle, Ind.

PRODUCT: 549 cases, each containing 6 unlabeled No. 10 cans, of tomatoes at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Sections 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents. Further 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 its label failed to bear, as the definition and standard requires, the name of the optional ingredient, calcium salt or calcium salts, present in the article.

DISPOSITION: January 2, 1952. A default decree was entered, ordering that the product be denatured for use as animal feed or destroyed.

18430. Misbranding of canned tomatoes. U. S. v. 153 Cases * * *. (F. D. C. No. 31976. Sample No. 21600-L.)

LABEL FILED: November 2, 1951, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about July 5, 1951, by Delta Canning Co., Inc., from Raymondville, Tex.

PRODUCT: 153 cases, each containing 24 1-pound cans, of tomatoes at Gulfport, Miss.

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

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality because the drained weight was less than 50 percent of the weight of the water required to fill the container.

DISPOSITION: January 23, 1952. The Delta Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and

the court ordered that the article be released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

18431. Adulteration of tomato juice. U. S. v. 38 Cases * * *. (F. D. C. No. 32001. Sample No. 5982-L.)

LIBEL FILED: November 9, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about August 15, 1951, by the Mason Canning Co., Inc., from Pocomoke City, Md.

PRODUCT: 38 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Norwich, Conn.

LABEL, IN PART: (Can) "Sea View Tomato Juice."

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

DISPOSITION: January 7, 1952. Default decree of condemnation. The court ordered that the product be destroyed, with the exception of two cases which were ordered delivered to the Food and Drug Administration.

18432. Misbranding of tomato puree. U. S. v. 498 Cases * * *. (F. D. C. No. 32200. Sample No. 23418-L.)

LIBEL FILED: November 29, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 10, 1951, by Morris April Bros., from Bridgeton, N. J.

PRODUCT: 498 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Bronx, N. Y.

LABEL, IN PART: (Can) "Crown Brand Fancy Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fancy" was false and misleading as applied to the product, which contained an excessive amount of specks and seed particles.

DISPOSITION: January 30, 1952. Morris April of Bridgeton, N. J., 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 relabeling under the supervision of the Federal Security Agency.

NUTS AND NUT PRODUCTS

18433. Adulteration of unshelled brazil nuts. U. S. v. 39 Bags * * * (and one other seizure action). (F. D. C. Nos. 32068, 32080, 32081. Sample Nos. 19281-L, 35255-L.)

LIBELS FILED: November 9, 1951, District of Minnesota.

ALLEGED SHIPMENT: On or about September 19, 1951, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: 239 100-pound bags of unshelled brazil nuts at Minneapolis and St. Paul, Minn.