

PRODUCT: Canned tomatoes. 698 cases, at New Britain, Conn., and 683 cases at Meriden, Conn.

LABEL, IN PART: "Seal of Merit Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes. The 698-case lot at New Britain contained excessive peel and the drained weight of the 683-case lot at Meriden was less than 50% of the weight of water required to fill the containers, and the labels of the product failed to bear a statement that it fell below the standard, as required by the regulations.

DISPOSITION: January 16, 1952. The shipper, 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.

18734. Misbranding of canned tomatoes. U. S. v. 401 Cases * * *. (F. D. C. No. 32140. Sample No. 6949-L.)

LABEL FILED: November 29, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 29, 1951, by the Howard Canning Co., from Pendleton, Ind.

PRODUCT: 401 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Pittsburgh, Pa.

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product failed to conform to the standard of identity for canned tomatoes since calcium salts had been added and the label failed to state that calcium salts had been added, as required by the standard.

DISPOSITION: January 29, 1952. H. F. Behrhorst & Son, 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.

18735. Adulteration of tomato catsup. U. S. v. 700 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 32130, 32294, 32295. Sample Nos. 22400-L, 22401-L, 32321-L.)

LABELS FILED: November 26 and December 20, 1951, Eastern District of Missouri and Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 29 and October 3, 6, 16, and 19, 1951, by the G. S. Suppiger Co. from Collinsville, Ill.

PRODUCT: Tomato catsup. 700 cases, each containing 24 12-ounce bottles, and 250 cases, each containing 24 6-ounce bottles, at St. Louis, Mo., and New Orleans, La.

LABEL, IN PART: (Bottles) "Brooks Old Original Catsup."

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; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 18, 1952. Default decrees of condemnation and destruction.