

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.

DISPOSITION: November 24, 1952. Default decree of condemnation. The court ordered that the product be delivered to a county institution, to be used for hog feed.

19179. Adulteration and misbranding of canned tomatoes. U. S. v. 402 Cases * * *. (F. D. C. No. 28532. Sample No. 64086-K.)

LABEL FILED: January 19, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about September 30 and October 5, 1949, by Kennard Food Products, Inc., from Knightstown, Ind.

PRODUCT: 402 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Minneapolis, Minn.

LABEL, IN PART: "Nation's Garden Brand Ripe Tomatoes."

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 or strength.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient.

Further misbranding, Section 403 (g) (2), the product 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 standard, the name of the optional firming ingredient present since the label failed to reveal the presence of added calcium salts.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: October 26, 1950, and March 16, 1951. 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 reprocessed and remanufactured, under the supervision of the Food and Drug Administration.

On March 26, 1952, the Government filed a petition that the United States marshal take possession of the product and dispose of it by delivery to a State or charitable institution, since the claimant had not complied with the provisions of the decree as to reconditioning and since it was presently located in the claimant's plant. On the same day, the court issued an order authorizing the United States marshal for the Southern District of Indiana to dispose of the tomatoes in that district. The product was delivered by the United States marshal to a charitable institution.

19180. Adulteration of canned tomatoes. U. S. v. 100 Cases * * *. (F. D. C. No. 33324. Sample No. 4104-L.)

LABEL FILED: July 1, 1952, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about March 28, 1952, from Kinston, N. C. This was a return shipment.

PRODUCT: 100 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Richmond, Va.