

ALLEGED SHIPMENT: On or about September 23, 1952, by the Kings Creek Canning Co., from Princess Anne, Md.

PRODUCT: 1,200 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Providence, R. I.

LABEL, IN PART: "Iona 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 maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 24, 1953. Default decree of condemnation and destruction.

20132. Adulteration and misbranding of canned tomatoes. U. S. v. 976 Cases * * *. (F. D. C. No. 33701. Sample No. 36532-L.)

LIBEL FILED: On or about September 23, 1952, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 13, 1952, by Robbins Bros., from Preston, Md.

PRODUCT: 976 cases, each containing 24 cans, of tomatoes at Evansville, Ind.

LABEL, IN PART: "Robbins Tomatoes * * * Contents 1 Lb. 3 Oz."

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.

Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of the presence of excessive tomato peel, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: January 9, 1953. Robbins Bros., claimant, having admitted the facts alleged in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion and for relabeling of such part of the remaining portion that was substandard, under the supervision of the Food and Drug Administration.

The total amount of the product which was actually seized consisted of 646 cases, and, of this amount, 134 cases were found unfit and were destroyed and 512 cases were relabeled.

20133. Misbranding of canned tomatoes. U. S. v. 998 Cases * * *. (F. D. C. No. 34427. Sample No. 39870-L.)

LIBEL FILED: December 22, 1952, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about October 27, 1952, by Fernando Canning Co., Inc., from San Fernando, Calif.

PRODUCT: 998 cases, each containing 24 1-pound cans, of tomatoes at Charleston, S. C.

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

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: March 12, 1953. Fernando Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and