

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

the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

20134. Misbranding of tomato juice. U. S. v. 2,230 Cases * * *. (F. D. C. No. 30344. Sample No. 65448-K.)

LIBEL FILED: January 3, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 3, 1950, by the Atwater Packing Corp., from Atwater, Calif.

PRODUCT: 2,230 cases, each containing 48 cans, of tomato juice at Chicago, Ill. Examination showed that the article was a heavy tomato puree which, when diluted according to directions, contained materially less vitamin C than was present in tomato juice.

LABEL, IN PART: (Can) "Adwater Brand Concentrated California Tomato Juice Contents: 7 Oz. Avoir. 1 can Adwater concentrate +3½ cans cold water—Quart Pure Tomato Juice."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name of the article "Concentrated * * * Tomato Juice" and the label designation "Pure Tomato Juice" were false and misleading since the article when reconstituted as directed did not have the nutritional properties of tomato juice in that the vitamin C content was materially less than would be present in tomato juice.

Further misbranding, Section 403 (g) (2), the article purported to be tomato puree, a food for which a definition and standard of identity has been prescribed by regulations, and the label of the article failed to bear, as required by such regulations, the name of the food specified in the definition and standard.

DISPOSITION: January 29, 1952. The Atwater Packing Corp., 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.

20135. Adulteration of tomato paste. U. S. v. 355 Cases * * *. Motion for intervention and consolidation denied. Decree of condemnation. (F. D. C. No. 32427. Sample Nos. 23925-L, 23926-L.)

LIBEL FILED: January 15, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about April 13, 1951, by L. N. White & Co., Inc., from New York, N. Y.

PRODUCT: 355 cases, each containing 10 cans, of tomato paste at Bayonne, N. J.

LABEL, IN PART: (Can) "Tomato Paste Dry Extract 28% Nett Weight: about Lbs. 10 Produce of France—1950."

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: On April 1, 1952, L. N. White & Co., Inc., filed a motion with the United States District Court for the District of New Jersey for leave to intervene in the instant case and in the cases reported in notices of judgment on food, Nos. 18535, 19648 and 20137, for consolidation of the instant case with the other cases herein referred to, and for transfer of the consolidated proceedings to the Southern District of New York for trial.

The matter thereafter came on for hearing before the court, and on September 8, 1952, after consideration of the affidavits of the parties and argument of counsel, the court denied such motion for the reason that L. N. White