

**ALLEGED SHIPMENT:** On or about February 13, 1954, by the Taormina Co., from Donna, Tex.

**PRODUCT:** 48 cases, each containing 24 cans, of black-eyed peas at New Orleans, La.

**LABEL, IN PART:** (Can) "Deer Fresh Shelled Black-Eyed Peas Contents 15 Oz. Avoir."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing an excessive amount of water as a packing medium had been substituted in whole or in part for canned black-eyed peas.

**DISPOSITION:** May 6, 1954. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

### TOMATOES AND TOMATO PRODUCTS

**21337. Adulteration of canned tomatoes. U. S. v. 842 Cases \* \* \*. Tried to the court and jury. Verdict for the Government. Decree of condemnation and destruction. (F. D. C. No. 34495. Sample No. 55535-L.)**

**LIBEL FILED:** December 15, 1952, Western District of New York; amended libel filed May 8, 1953.

**ALLEGED SHIPMENT:** On or about October 8 and 20, 1952, by the O. M. Brown Canning Co., from Elwood, Ind.

**PRODUCT:** 842 cases, each containing 24 unlabeled cans, of tomatoes at Albion, N. Y.

**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:** O. M. Brown Packing Co., Inc., appeared as claimant and filed an answer denying that the product was adulterated as alleged in the libel. Thereafter, the claimant and the Government served interrogatories upon each other, which were answered. The case came on for trial before the court and jury on June 3, 1954, and was concluded on June 8, 1954, with the return of a verdict for the Government. On June 23, 1954, the court entered a decree of condemnation and ordered that the product be destroyed.

**21338. Adulteration of canned tomatoes. U. S. v. 998 Cases \* \* \*. (F. D. C. No. 36136. Sample No. 59481-L.)**

**LIBEL FILED:** November 23, 1953, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 14, 1953, by A. W. Sisk & Son, from Richmond, Va.

**PRODUCT:** 998 cases, each containing 24 cans, of tomatoes at Griffin, Ga.

**LABEL, IN PART:** (Can) "Rich-West Brand Tomatoes Contents 1 Lb. 3 Ozs. \* \* \* Packed By Belmont Canning Co. Threeway, Va."

**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 5, 1954. Default decree of condemnation and destruction.

**21339. Adulteration of tomato juice. U. S. v. 89 Cases \* \* \*. (F. D. C. No. 36138. Sample No. 45771-L.)**

**LIBEL FILED:** November 23, 1953, District of Massachusetts.