

The average net weight was found to be 25.50 ozs., the average shortage being 2.50 ozs., or 9 percent. The average fill of container was found to be 84.8 percent.

LABEL IN PART: (Can) "Stokely Van Camp's Finest Tomatoes * * * Net Weight 1 Lb. 12 Oz. * * * Distributed by Stokely-Van Camp, Inc., Indianapolis, Indiana."

LIBELED: 6-19-64, S. Dist. Ohio.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "Net Weight 1 Lb. 12 oz." was inaccurate; and 403(h) (2)—the article fell below the standard of fill for canned tomatoes, since the article contained less than 90 percent of the total capacity of the container, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 8-19-64. Default—delivered to a charitable institution.

29966. Canned tomatoes. (F.D.C. No. 50262, S. Nos. 37-154/5 A.)

QUANTITY: 866 cases, each containing 24 1-lb. cans, and 253 cases, each containing 48 10-oz. cans, at Shreveport, La.

SHIPPED: 6-3-64, from Elsa, Tex., by Elsa Canning Co.

LABEL IN PART: (Can) "Ro-Tel Brand Tomatoes Packed by Elsa Canning Co. Elsa, Texas."

LIBELED: 7-28-64, W. Dist. La.

CHARGE: 402(a) (3)—contained decomposed tomatoes when shipped.

DISPOSITION: 9-9-64. Default—destruction.

29967. Canned tomatoes. (F.D.C. No. 49838, S. No. 73-628 A.)

QUANTITY: 285 cases, each containing 24 cans, at New Orleans, La.

SHIPPED: 1-6-64, from Alamo, Tex., by Alamo Products Co.

LABEL IN PART: (Can) "Orchard Garden Tomatoes Packed by Alamo Products Co., Alamo, Texas."

RESULTS OF INVESTIGATION: Examination showed the article to be approximately 2.67 percent short weight.

LIBELED: 3-13-64, E. Dist. La.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of quantity of contents, since the label statement "net wt. 15 oz." was inaccurate.

DISPOSITION: 9-21-64. Consent—claimed by Alamo Products Co., for relabeling.

29968. Canned tomatoes. (F.D.C. No. 50500, S. Nos. 18-157 A, 19-465 A.)

QUANTITY: 192 cases, of 24 1-lb. cans each, at Utica, N.Y.

SHIPPED: 2-25-64, from King's Creek, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Pine Cone Brand * * * Peeled Tomatoes * * * Albert W. Sisk And Son Distributors * * * Preston, Md."

LIBELED: 8-12-64, N. Dist. N.Y.

CHARGE: 402(a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 10-2-64. Default—destruction.