

14255. Adulteration and misbranding of canned tomatoes. U. S. v. 4 Cases * * *. (F. D. C. No. 26022. Sample No. 21670-K.)

LIBEL FILED: November 8, 1948, Western District of Oklahoma; amended libel filed November 24, 1948.

ALLEGED SHIPMENT: On or about August 10, 1948, by Food Products, Inc., from Rusk, Tex.

PRODUCT: 441 cases, each containing 6 6-pounds, 6-ounce cans, of tomatoes: Norman, Okla.

LABEL, IN PART: "Rusk Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and its label failed to bear the statement that the product fell below such standard.

DISPOSITION: December 29, 1948. Default decree of condemnation and destruction.

14256. Misbranding of canned tomatoes. U. S. v. 75 Cases * * *. (F. D. C. No. 25998. Sample No. 29515-K.)

LIBEL FILED: November 5, 1948, District of Idaho.

ALLEGED SHIPMENT: On or about September 3, 1948, by the Symms Grocer Co. from Salt Lake City, Utah.

PRODUCT: 75 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes: Idaho Falls, Idaho.

LABEL, IN PART: "Glenwood Solid Pack Tomatoes * * * Distributed by The Robbins Canning Co., Inc., Salt Lake City, Utah."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes since the drained weight was less than 50 percent of the weight of water required to fill the container, and it was not labeled as substandard as required by the regulation.

DISPOSITION: January 28, 1949. Default decree of forfeiture. The product was ordered delivered to a charitable institution.

14257. Misbranding of tomato catsup. U. S. v. 34 Cases * * *. (F. D. C. No. 25117. Sample No. 28979-K.)

LIBEL FILED: July 26, 1948, District of Idaho.

ALLEGED SHIPMENT: On or about November 28, 1947, by the Woods Cross Canning Co., from Clearfield, Utah.

PRODUCT: 34 cases, each containing 6 cans, of tomato catsup at Pocatello, Idaho

LABEL, IN PART: "Utah's Favorite Brand Tomato Catsup Net Contents 7 lbs 12 ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (The article was short-weight.)

DISPOSITION: September 7, 1948. The Woods Cross Canning Co., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for relabeling.

14258. Adulteration of tomato paste. U S. v 99 Cases * * *. (F. D. C. No. 26376. Sample Nos. 32575-K, 32576-K.)

LIBEL FILED: January 10, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 16, 1948, by the G. R. Barth Co., from San Francisco, Calif.

PRODUCT: 99 cases, each containing 96 6-ounce cans, of tomato paste at Tampa, Fla.

LABEL, IN PART: "Rosalie's Best Fancy California Tomato Paste * * * Packed By Gangi Bros. Packing Co. Santa Clara California."

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: February 8, 1949. Default decree of condemnation and destruction.

14259. Adulteration of tomato puree. U. S. v. 484 Cases * * *. (F. D. C. No. 26262. Sample No. 42006-K.)

LIBEL FILED: January 13, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 27, 1948, F. L. Dutton, from Columbus, Ohio.

PRODUCT: 484 cases, each containing 6 unlabeled No. 10 cans, of tomato puree at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 4, 1949. Default decree of condemnation. The product was ordered delivered to a public institution, for use as animal feed. However, since the institution refused to accept the product, it was destroyed.

14260. Adulteration of tomato puree. U. S. v. 279 Cases * * *. (F. D. C. No. 26265. Sample No. 45700-K.)

LIBEL FILED: January 5, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 14, 1948, by the Butterfield Canning Co., from Warren, Ind.

PRODUCT: 279 cases, each containing 48 10½-ounce cans, of tomato puree at St. Louis, Mo.

LABEL, IN PART: "Butterfield Brand Tomato Puree Packed By Butterfield Canning Co., Muncie, Ind."

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 and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.