Both lots of the article were alleged to be misbranded (1) in that it purported to be a food for which a definition and standard of identity had been prescribed by law, but its label failed to bear the common name of the optional ingredient, viz, "Added Strained Residual Tomato Material from Preparation for Canning," present in such food; and (2) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 15 and 23, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2006. Adulteration of canned tomatoes. U. S. v. 310 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 2700. Sample No. 7092–E.)

On September 4, 1940, the United States attorney for the District of Arizona filed a libel against 310 cases, each containing 24 cans, of tomatoes at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about February 22, 1940, by Santa Anita Food Corporation from Anaheim, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Gala Brand Tomatoes With Puree From Trimmings Net Contents 1 Lb. 12 Ozs."

On May 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2007. Adulteration of canned tomatoes and tomato juice. U. S. v. 337 Cases and 430 Cases of Canned Tomatoes and 50 Cases of Tomato Juice. Default decrees of condemnation and destruction. (F. D. C. Nos. 4850, 4851, 4875. Sample Nos. 60306–E, 60307–E, 60315–E.)

On or about May 31 and June 6, 1941, the United States attorneys for the District of Oregon and the Eastern District of Washington filed libels against 337 cases, each containing 24 cans, of tomatoes at La Grande, Oreg., 430 cases, each containing 24 cans, of tomatoes at Walla Walla, Wash., and 50 cases, each containing 12 cans, of tomato juice at La Grande, Oreg., alleging that the articles had been shipped on or about September 23 and November 18, 1940, by H. D. Olson from Ogden, Utah; and charging that they were adulterated in that they consisted wholly or in part of decomposed substances. The articles were labeled in part: (Cans) "Net Weight, 1 pound, 12 ounces, Pheasant Brand Tomatoes"; "Blue and White Brand Tomatoes * * * contains 1 lb. 12 oz."; and "Wadhams Fancy Tomato Juice Net Contents 1 Quart 14 fluid ounces."

On July 15 and August 2, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

2008. Misbranding of canned tomatoes. U. S. v. 646 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5192. Sample No. 46379–E.)

This product was substandard because of excessive peel and blemishes. It also contained the optional ingredient added strained tomatoes which were not declared on the label.

On July 22, 1941, the United States attorney for the Eastern District of New York filed a libel against 646 cases, each containing 24 cans, of tomatoes at Brooklyn, N. Y., alleging that the article had been shipped on or about June 19, 1941, by Apte Bros. Canning Co., Terra Ceia, Fla.; and charging that it was misbranded. It was labeled in part: (Cans) "Park Lane Tomatoes Contents 1 Lb. 11 Oz."

The article was alleged to be misbranded (1) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and its label failed to bear the common name of the optional ingredient present in such food, namely, "Added Strained Tomatoes"; and (2) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On August 5, 1941, Apte Bros. Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.