

**2009. Misbranding of canned tomatoes. U. S. v. 268 Cases and 168 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 3969. Sample Nos. 35587-E, 35588-E.)

This product was substandard because of low drained weight and excessive peel.

On or about March 14, 1941, the United States attorney for the Northern District of Mississippi filed a libel against 268 cases each containing 48 cans, and 168 cases each containing 24 cans, of tomatoes at Columbus, Miss., alleging that the article had been shipped in interstate commerce on or about September 6, 1940, by the Humboldt Canning Co. from Humboldt, Tenn.; and charging that it was misbranded. It was labeled in part: "Forked Deer Brand \* \* \* Tomatoes Contents 10 Ozs. Avoir. [or "1 Lb. 3 Ozs.]."

The article was alleged to be misbranded 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 did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 24, 1941, Columbus Grocery Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled as required by law.

**2010. Misbranding of canned tomatoes. U. S. v. 596 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 3637. Sample No. 16593-E.)

Examination showed that this product was substandard because of excessive peel and excessive blemishes.

On January 9, 1941, the United States attorney for the District of Nebraska filed a libel against 596 cases, each containing 24 cans, of tomatoes at Omaha, Nebr., alleging that the article had been shipped on or about September 3, 1940, by Ed McCormick Canning Co. from Reeds Spring, Mo.; and charging that it was misbranded. It was labeled in part: (Cans) "Big League Brand Tomatoes \* \* \* Contents 1 Lb. 3 Oz."

The article was alleged to be misbranded 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 April 4, 1941, Ed McCormick, trading as Ed McCormick 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.

**2011. Misbranding of canned tomatoes.- U. S. v. 87 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 4735. Sample No. 59000-E.)

Examination showed that this product was substandard because the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch.

On May 9, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 87 cases, each containing 24 cans, of tomatoes at Appleton, Wis., alleging that the article had been shipped on or about August 13, 1940, by National Retail Owned Grocers (National Retailer-Owned Grocers, Inc.) from Princess Anne, Md.; and charging that it was misbranded. It was labeled in part: "Smith Brand Tomatoes Contents 1 Lb 3 Ozs. Packed by E. Mace Smith Princess Anne Md."

The article was alleged to be misbranded 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 June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2012. Misbranding of canned tomatoes. U. S. v. 241 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 3731. Sample No. 50738-E.)

This product was substandard because of low drained weight.

On February 12, 1941, the United States attorney for the Eastern District of North Carolina filed a libel against 241 cases, each containing 24 cans, of toma-