4194. Misbranding of canned tomatoes. U. S. v. 178 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 7619. Sample No. 25681-F.)

On or about July 20, 1942, the United States attorney for the Northern District of Alabama filed a libel against 178 cases, each containing 24 cans, of tomatoes at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about June 9, 1942, by Markham & Russell Canning Co. from Deep Lake, Fla.; and charging that it was misbranded. The article was labeled in part: "Oak Hill Brand Tomatoes."

It 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 since the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 8, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution for its own use and not for resale.

4195. Misbranding of canned tomatoes. U. S. v. 330 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8066. Sample Nos. 28402-F, 28405-F.)

On August 6, 1942, the United States attorney for the Northern District of Georgia filed a libel against 330 cases, each containing 48 cans, of tomatoes at Atlanta, Ga. alleging that the article had been shipped in interstate commerce on or about June 24, 1942, by Green Bros., from Miami, Fla. and charging that it was misbranded. The article was labeled in part: (Cans) "Ruskel Brand Tomatoes * * * Packed by Russell & Kelley Canning Co. Fort Lauderdale, Florida."

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, and its quality fell below such standard because the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On September 1, 1942, Colonial Stores, Inc., Atlanta, Ga., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

Nos. 4196 to 4201 report the disposition of legal actions involving tomato products that contained mold, indicating the presence of decomposed material.

4196. Adulteration of tomato catsup. U. S. v. 30 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 8135. Sample No. 81949-E.)

On August 17, 1942, the United States attorney for the District of Idaho filed a libel against 30 cases, each containing 48 cans, of tomato catsup at Bonneville, Idaho, alleging that the article had been shipped in interstate commerce on or about July 17, 1941, and February 25, 1942, by Symn's Utah Grocery Co. from Salt Lake City, Utah; 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: "Woods Cross Brand Tomato Catsup * * * Packed by Woods Cross Canning Co. Woods Cross, Utah."

On September 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4197. Adulteration of tomato juice. U. S. v. Ray O. Hiatt (Indiana Packing Co.). Plea of guilty. Fine, $50 and costs. (F. D. C. No. 6503. Sample No. 62298-E.)

On May 26, 1942, the United States attorney for the Northern District of Indiana filed an information against Ray O. Hiatt, trading as Indiana Packing Co., at Royal Center, Ind., alleging shipment on or about October 20, 1941, from the State of Indiana into the State of Illinois of a quantity of tomato juice that was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 19, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $50 and costs.