**4428. Misbranding of canned tomatoes. U. S. v. 425 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 8438. Sample No. 17985-F.)

On September 29, 1942, the United States attorney for the Southern District of New York filed a libel against 425 cases of canned tomatoes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 1, 1942, by T. Paul Coulbourn from Marion Station, Md.; and charging that it was misbranded. The article was labeled in part: "Big C Brand Tomatoes."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law but fell below such standard since it contained tomato peel which covered an area of more than 1 square inch per pound of canned tomatoes, and its label failed to bear in such manner and form as the regulations specify a statement that it fell below the standard.

On November 25, 1942, Scheifer & Barst, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**4429. Adulteration of tomato puree. U. S. v. Charles Amos Shuttleworth, (Salamonie Packing Co.) Plea of guilty. Fine $75.** (F. D. C. No. 7198. Sample No. 62288-E.)

On May 26, 1942, the United States attorney for the Northern District of Indiana filed an information against Charles Amos Shuttleworth, trading as Salamonie Packing Co., at Warren, Ind., alleging shipment on or about September 23, 1941, from the State of Indiana into the State of Illinois of a quantity of tomato puree that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Barco Brand * * * Tomato Puree * * * B. A. Railton Co. Distributors, Chicago, Ill., Milwaukee, Wis."

On December 21, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $75.

**4430. Adulteration of tomato puree. U. S. v. 379 Cases of Canned Tomato Puree. Consent decree of condemnation. Product ordered released under bond for salvaging fit portion.** (F. D. C. No. 8729. Sample No. 31834-F.)

On November 9, 1942, the United States attorney for the Southern District of Ohio filed a libel against 379 cases, each containing 48 cans, of tomato puree at Cincinnati, Ohio, which had been consigned on or about September 12 and 17, 1942, alleging that the article had been shipped in interstate commerce by the Eaton Canning Co. from Eaton, Ind.; 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) "Realm Tomato Puree * * * Distributed by Household Products Co. * * * Chicago, Ill."

On December 3, 1942, the Eaton Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for separation of the fit portion from the unfit portion under the supervision of the Food and Drug Administration. The portion fit for human consumption was salvaged and the unfit portion was destroyed.

**4431. Adulteration of tomato puree. U. S. v. 88 Cases, 22 Cases, and 221 Cases of Tomato Puree. Consent decrees of condemnation. Product ordered released under bond for sale as animal feed.** (F. D. C. Nos. 6788, 6789, 6938. Sample Nos. 65961-E, 65962-E, 65965-E, 65966-E, 65988-E.)

On February 12 and 27, 1942, the United States attorney for the District of Colorado filed libels against a total of 331 cases of tomato puree at Denver, Colo., which had been consigned by Smith Canning Co., alleging that the article had been shipped in interstate commerce on or about October 17 and December 2, 1941, from Ogden and Clearfield 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: (Cans) "Smith Brand Tomato Puree. Distributed by Smith Canning Company, Clearfield, Utah, Pendleton, Oregon," or "Y B Your Best Brand Tomato Puree Packed for Yoelin Bros. Merc. Co., Denver, Colo."

On November 17, 1942, the Smith Canning Co., Clearfield, Utah, having appeared as claimant and various extensions of time having been granted for filing answers, and the claimant having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be denatured and sold as animal feed.