and misleading as applied to articles containing about 50 percent of oatmeal, and these misbrandings were not corrected by the inconspicuous statements "Onion Cereal and Salt" and "Garlic, Cereal and Salt," appearing at the bottom of the labels. They were alleged to be misbranded further in that they were fabricated from two or more ingredients and their labels failed to bear a statement of the common or usual name of each said ingredient.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

5043. Adulteration of canned tomatoes. U. S. v. 1,997 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8449. Sample No. 4800-F.)

This product contained decomposed material as evidenced by the presence of mold.

On October 3, 1942, the United States attorney for the Southern District of Ohio filed a libel against 1,997 cases of canned tomatoes at Cincinnati, Ohio, which had been consigned within the period from on or about August 18 to 31, 1942, alleging that the article had been shipped by the Shelby Packing Co. from Shelbyville, 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) "Shelby Brand Tomatoes with Added Tomato Juice."

On July 30, 1943, the Shelby Packing Co. having appeared as claimant and having admitted the allegations of the libel and 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 and destruction of the latter under the supervision of the Food and Drug Administration.

5044. Adulteration of canned tomatoes. U. S. v. 59 Cases of Canned Tomatoes (and 3 additional seizure actions against canned tomatoes). Default decrees of condemnation and destruction. (F. D. C. Nos. 9583, 9698, 9713, 9934. Sample Nos. 8682-F, 33746-F, 38125-F, 38136-F.)

Examination showed this product to be sour and decomposed.

Between March 22 and May 12, 1943, the United States attorneys for the Northern District of Illinois, the Western District of Pennsylvania, and the Eastern District of Wisconsin filed libels against 59 cases, each containing 24 cans, of tomatoes at Chicago, Ill., 188 cases, each containing 24 cans, at Pittsburgh, Pa., 65 cases, each containing 24 cans, at Oshkosh, Wis., and 41 cases, each containing 24 cans, of tomatoes at Racine, Wis., alleging that the article had been shipped in interstate commerce within the period from on or about September 3, 1942, to January 13, 1943, by the Gaston Canning Co. from Gaston, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Summer Sun Brand Tomatoes," "Monogram Brand Tomatoes * * * Distributed by the F. B. Ives Co., Oshkosh, Wis.," or "Dearborn Club Tomatoes * * * Franklin MacVeagh and Company Distributors Chicago, Ill."

Between May 8 and August 7, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5045. Misbranding of canned tomatoes. U. S. v. 898 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9380. Sample No. 19662-F.)

On February 15, 1943, the United States attorney for the District of Massachusetts filed a libel against 898 cases, each containing 24 cans, of tomatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 25, 1942, by Albert W. Sisk & Son, from Trappe, Md.; and charging that it was misbranded. The article was labeled in part: (Cans) "Pine Cone Brand Tomatoes."

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 regulation as provided by law, but 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 the regulation specify, a statement that it fell below the standard.

On April 20, 1943, J. Roland Stewart of Trappe, Md., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.