

TOMATOES AND TOMATO PRODUCTS

5738. Adulteration of canned tomatoes. U. S. v. 89 Cases of Canned Tomatoes. Decree of condemnation and destruction. (F. D. C. No. 10811. Sample No. 52835-F.)

On September 22, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 89 cases, each containing 6 cans, of tomatoes at Norfolk, Va., alleging that the article had been shipped on or about July 21, 1943, by the W. T. Onley Canning Co. from Snow Hill, Md.; 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: (Can) "Onley Brand * * * Tomatoes."

On or about October 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5739. Adulteration of canned tomatoes. U. S. v. 300 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 10814. Sample No. 47227-F.)

On September 22, 1943, the United States attorney for the Western District of Tennessee filed a libel against 300 cases, each containing 24 cans, of tomatoes at McKenzie, Tenn., alleging that the article had been shipped on or about August 16, 1943, by the Lovelace Farmer Co. from Hickman, Ky.; and charging that the article was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Riverside Brand Hand Packed Tomatoes Packed by Union City Canning Co., Union City, Tenn."

On November 2, 1943, the Riverside Canning Co., Hickman, Ky., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the edible portion from the inedible portion and destruction of the latter under the supervision of an officer designated by the Federal Security Agency Administrator. On November 20, 1943, an amended decree was filed providing for the segregation of the product at McKenzie, Tenn.

5740. Misbranding of canned tomatoes. U. S. v. 43 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 10740. Sample No. 36154-F.)

This product fell below the standard of quality for canned tomatoes because the drained weight was less than 50 percent of the weight of the water required to fill the container.

On September 15, 1943, the United States attorney for the District of Idaho filed a libel against 43 cases of canned tomatoes at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about May 19, 1943, by the California Packing Corporation from Ogden, Utah; and charging that it was misbranded. It was labeled in part: (Cans) "Mission Tomatoes."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality has been prescribed by regulations promulgated pursuant to 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 the standard.

On October 18, 1943, the California Packing Corporation, claimant, having consented to the entry of the decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of an officer designated by the Federal Security Administrator.

5741. Adulteration of tomato juice. U. S. v. 216 Cases and 97 Cases of Tomato Juice. Decrees of condemnation and destruction. (F. D. C. Nos. 10816, 11098. Sample Nos. 3771-F, 38939-F.)

On or about October 2 and November 26, 1943, the United States attorneys for the Northern District of Illinois and the District of Kansas filed libels against 313 cases, each containing 24 cans, of tomato juice, at Chicago, Ill., and Arma, Kans., alleging that the article had been shipped in interstate commerce on or about July 10, 12, and 13, 1943, by the Ames Canning Co. from Ames, Iowa; 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: (Can) "Garden Quality * * * Collegian Brand Tomato Juice."

The Arma Elevator Co., Arma, Kans., appeared as claimant for the lot at Arma and admitted that the product involved in that action was adulterated.

No appearance was entered in the action instituted at Chicago. On November 18 and 19, 1943, judgments of condemnation were entered in both actions and the product was ordered destroyed.

5742. Adulteration of tomato puree. U. S. v. 1,195 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 12352. Sample Nos. 33892-F, 75801-F.)

On May 10, 1944, the United States attorney for the Western District of New York filed a libel against 1,195 cases of tomato puree at Barre Center, N. Y., alleging that the article had been shipped on or about October 11, 1943, by the Mays Packing Co. from Mays, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material. Each case contained 6 unlabeled No. 10 cans.

On June 19, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5743. Adulteration of tomato soup. U. S. v. 398 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 12419. Sample No. 67337-F.)

On May 25, 1944, the United States attorney for the Northern District of Ohio filed a libel against 398 cases of tomato soup at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about October 23, 1943, by the Columbia Conserve Co., Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed tomato material. The article was labeled in part: (Cans) "Columbia Concentrated Tomato Soup."

On June 26, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND MEAT PRODUCTS*

5744. Adulteration of dressed poultry. U. S. v. 1 Barrel and 646 Boxes of Dressed Poultry. Decree of condemnation. Product ordered released under bond to be reconditioned by separating the fit from the unfit portion. (F. D. C. No. 11078. Sample No. 51549-F.)

On November 8, 1943, the United States attorney for the District of Massachusetts filed a libel against 1 barrel, containing about 172 pounds, and 646 boxes, each containing approximately 41 pounds, of dressed poultry at Boston, Mass., alleging that the article had been shipped on or about October 2, 1943, by the Tracy Produce Co., Inc., from Arlington, S. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. One portion, 172 pounds, of the article was labeled in part: "37 No. 1 Cox"; the remainder was labeled in part: "Traco Brand [or "Primo Brand," or "Choice"] Fowl [or "Springs," "Broilers," "Fryers," or "Roasters"]."

On November 29, 1943, the Tracy Produce Co., Inc., Tracy, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by separating the fit from the unfit portion under the supervision of the Food and Drug Administration. On February 10, 1944, an amended decree was entered providing for salvaging the product at Leominster, Mass., by eviscerating the fowl and discarding all birds bearing evidence of decomposition or other unfit condition, such rejected material to be denatured and disposed of for tankage or other non-human-food purposes.

5745. Adulteration of frozen poultry. U. S. v. 40 Barrels and 87 Boxes of Poultry. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10681. Sample No. 43340-F.)

On or about September 10, 1943, the United States attorney for the Western District of Missouri filed a libel against 40 barrels, containing approximately 12,155 pounds and 87 boxes, containing approximately 6,766 pounds, of frozen poultry at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 23, 1943, by the Edward Aaron Co. from Shenandoah, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance because of the presence of decomposed birds.

*See also No. 5766.