NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Solid Packed Whole Tomatoes Drained Weight 78 Oz." was false and misleading since the product contained broken pieces of tomatoes and had an average drained weight of less than 78 ounces.

DISPOSITION: February 19, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

18835. Adulteration of tomato paste. U. S. v. 499 Cases, etc. (and 5 other seizure actions). (F. D. C. Nos. 32415, 32416, 32418, 32424, 32425, 32437. Sample Nos. 3482–L, 17856–L, 17857–L, 23927–L, 26921–L, 26922–L, 26925–L to 26927–L, incl., 27131–L, 29751–L, 37983–L.)

LIBELS FILED: January 11, 14, 16, 23, and 28, and February 6, 1952, District of New Jersey, Northern and Southern Districts of California, Western District of Washington, and Eastern District of Virginia.

ALLEGED SHIPMENT: On or about May 8, 14, 23, 24, and 28, and June 19, 1951, by the Anglo-American & Overseas Corp., from Brooklyn and New York, N. Y.

PRODUCT: 3,464 cases, each containing 6 cans, and 4,210 cases, each containing 10 cans, of tomato paste at Bayonne, N. J.; Oakland, Stockton, and San Diego, Calif.; Seattle, Wash.; and Norfolk, Va.

LABEL, IN PART: (Can) "Halisco Concentrated Tomato Paste Dry Extract 28% 1950 Product of France Net Weight: about 10 lbs. 2 ozs.," "J. O. C. Extrait De Tomates Poids Net Environ 4 Kgs 500," "Les Boules Rouges Extrait De Tomates Poids Net 4 Ko 500 Environ," "Tomato Paste Dry Extract 28% 1950 Product of France Nett Weight: lbs. 10 - 2 oz.," "High Concentrated Hungarian Tomato Paste Contents 160½ Oz. Net Hungarian Product," "Tomato Paste Made in Hungary 160½ Oz. Net Golden Pheasant," "Tomato Paste Product of Geremia Greci & Figli Parma (Italy) Nett Weight Lbs. 10," and "Tomato Paste Concentrato di Pomodoro Dry Matter 27/29% Net Weight Lbs. 9. - 14 Ozs. Product of Italy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 6, June 2, 5, 9, 10, and 12, and July 29, 1952. Default decrees of condemnation and destruction.

18836. Adulteration of tomato sauce. U. S. v. 172 Cases * * *. (F. D. C. No. 32648. Sample No. 7285–L.)

LIBEL FILED: February 5, 1952, Western District of New York.

ALLEGED SHIPMENT: During December 1946, from Indianapolis, Ind.

PRODUCT: 172 cases, each containing 24 10½-ounce cans, of tomato sauce at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce. (Examination showed that it was undergoing chemical decomposition.)

DISPOSITION: March 4, 1952. Default decree of condemnation and destruction.