LIBELED: 5–27–65, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained fly eggs and maggots when shipped.

DISPOSITION: 7–20–65. Default—destruction.

30483. Canned tomatoes. (F.D.C. No. 51700. S. No. 50–733 B.)

QUANTITY: 506 cases of 24 1-lb. cans each, at Buffalo, N.Y.

SHIPPED: 8–24–65, from Preston, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Iona Standard Quality Tomatoes * * * The Great Atlantic & Pacific Tea Co. Inc. N.Y., N.Y., Distributor."

LIBELED: 10–12–65, W. Dist. N.Y.

CHARGE: 403(h)(1)—when shipped, the article fell below the standard of quality for canned tomatoes, since the article contained tomato peel, per pound of canned tomatoes in the container, which covered an area of more than one square inch and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 11–24–65. Consent—claimed by McWilliams Cannery, Inc., Hurlock, Md., for relabeling.

30484. Canned tomatoes. (F.D.C. No. 48436. S. No. 19–064 V.)

QUANTITY: 198 cases, each containing 24 1-lb. cans, at Dallas, Tex.

SHIPPED: 10–16–62, from Buena Park, Calif., by Uddo & Taormina Corp. of California.

LABEL IN PART: (Can) "Progresso Italian Style Peeled Tomatoes With Basil * * * Packed by Uddo & Taormina Corp. of California Buena Park, California."

LIBELED: On or about 1–24–63, N. Dist. Tex.

CHARGE: 403(h)(1)—when shipped, the article fell below the standard of quality for canned tomatoes, since the article contained tomato peel, per pound of canned tomatoes in the container, which covered an area of more than one square inch and its label failed to bear a statement that it fell below such standard.

DISPOSITION: On 2–8–63, Uddo & Taormina Corp. of California having claimed the article, a consent decree of condemnation providing for relabeling was entered. On 6–11–65, the claimant having failed to bring the article into compliance, the court entered an order directing the distribution of the article to charitable institutions for consumption and not resale.

30485. Canned tomatoes. (F.D.C. No. 51661. S. No. 96–067 B.)

QUANTITY: 63 cases, 48 10-oz. cans each, at Omaha, Nebr.

SHIPPED: 7–12–65, from Prairie Grove, Ark., by Kelley Canning Co.

LABEL IN PART: (Can) "Elna Brands Inc. Distributors, Skokie, Ill. Elna Tomatoes."

RESULTS OF INVESTIGATION: Examination showed that the article was in part undergoing progressive decomposition and that the cans were punctured when embossed with the can code at the time of canning.

LIBELED: 9–14–65, Dist. Nebr.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale; and 403(g)(1)—when shipped, the article failed to conform to the definition