CHARGE: 403(h)(1)—when shipped, the article purported to be and was represented as canned tomatoes, a food for which a standard of quality has been prescribed by regulations, and its quality fell below such standard, since the drained weight of the contents of container of the article, as determined by method prescribed in such standard, was less than 50 percent of the weight of the water required to fill the container, and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 1-2-62. Consent—claimed by John Kelley, Prairie Grove, Ark., and released under bond for relabeling.

27823. Canned tomatoes. (F.D.C. No. 46545. S. No. 4-487 T.)

QUANTITY: 288 cases, 6 6-lb. 6-oz. cans each, at Staunton, Va.

SHIPPED: 9-25-61, from Berkeley Springs, W. Va., by Little Miss Tomatoes, Inc.

LABEL IN PART: (Can) "Skipper Brand Tomatoes * * * Packed * * * by Little Miss Tomatoes, Inc., Berkeley Springs, W. Va."

LIBELED: 11-22-61, W. Dist. Va.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-18-62. Consent—delivered to a public institution for nonfood purposes.

27824. Canned tomatoes. (F.D.C. No. 46865. S. No. 10-605 T.)

QUANTITY: 174 cases, 24 1-lb. cans each, at Waterford, N.Y.

SHIPPED: Prior to 11-13-61, from Williamsburg, Md., by Williamsburg Canning Co.

LABEL IN PART: (Can) "Rialto-Brand Tomatoes * * * Distributed by the Grand Union Company East Paterson, N.J."

LIBELED: 12-28-61, N. Dist. N.Y.

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

DISPOSITION: 2-8-62. Default—destruction.

27825. Canned tomatoes. (F.D.C. No. 47148. S. No. 4-815 T.)

QUANTITY: 142 cases, 24 1-lb. cans each, at Frederick, Md.

SHIPPED: 11-17-61 and 1-16-62, from Berkeley Springs, W. Va., by Cross Roads Canning Co.

LABEL IN PART: (Can) "Stoney Ridge Brand Tomatoes * * * Packed By Cross Roads Canning Co. Berkeley Springs, W. Va."

LIBELED: 2-16-62, Dist. Md.

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

DISPOSITION: 3-23-62. Default—destruction.

27826. Canned tomatoes. (F.D.C. No. 46761. S. No. 6-256 T.)

QUANTITY: 2,230 cases, 24 1-lb. cans each, at South Portland, Maine.

SHIPPED: 9-29-61, from Williamsburg, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Pine Cone Brand Peeled Tomatoes * * * Albert W. Sisk and Son Distributors * * * Preston, Md. * * * Aberdeen, Md."

LIBELED: 12-1-61, Dist. Maine.

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