ALLEGED SHIPMENT: On or about October 14, 1946, by the Washburn Canning Co., from Washburn, Mo.

PRODUCT: 2,470 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at East St. Louis, Ill.

LABEL, IN PART: "Ozark Chief [or "Queen's Taste," or "Satisfaction"] Brand."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes, because of low drained weight as determined by the sieve test set forth in the standard and because of tomato peel in excess of the maximum permitted by the standard, and it failed to bear the substandard legend.

DISPOSITION: February 24, 1947. William Ash, trading as the Washburn Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration.

13329. Misbranding of canned tomatoes. U. S. v. 1,158 Cases * * *. (F. D. C. No. 23696. Sample No. 86896–H.)

LIBEL FILED: September 16, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about July 29, 1947, by the Athens Canning Co., from Athens, Tex.

PRODUCT: 1,158 cases, each containing 24 cans, of tomatoes at St. Paul, Minn.

LABEL, IN PART: "Homefolk Brand Hand Packed Tomatoes Contents 1 Lb. 3 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality prescribed for canned tomatoes, because the strength and redness of color did not conform to the regulations and there was tomato peel in excess of the amount permitted by the regulations, and the label failed to bear, as specified by the regulations, a statement that the article fell below the standard of quality.

DISPOSITION: June 11, 1948. The Athens Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

13330. Misbranding of canned tomatoes. U. S. v. 800 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22161, 23893. Sample Nos. 49641–H, 20327–K.)

LIBELS FILED: January 10 and November 5, 1947, Eastern District of Texas and Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about September 9, 1946, and August 12, 14, and 23, 1947, by the Smith Canning Co., from Fayetteville, Ark.

PRODUCT: 800 cases at Pittsburg, Tex., and 1,754 cases at Tulsa, Okla., each case containing 24 1-pound, 3-ounce cans, of tomatoes.

LABEL, IN PART: "Big Smith Brand Hand Packed Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes, since the drained weight of the contents of the container of the article was less than 50 percent of the weight of water required to fill the container, and the label of the article failed to bear, as prescribed by the standard, a statement that the article fell below such standard.

DISPOSITION: May 5, 1947, and April 26, 1948. The Smith Canning Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

13331. Misbranding of canned tomatoes. U. S. v. 1,998 Cases * * *. (F. D. C. No. 21955. Sample No. 49647–H.)

LIBEL FILED: December 9, 1946, Western District of Louisiana.

ALLEGED SHIPMENT: On or about September 26, 1946, by the Wharton Canning Co., from Fayetteville, Ark.