

**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.

**PRODUCT:** 1,998 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Shreveport, La.

**LABEL, IN PART:** "Wharton's Pride Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes, since the drained weight was less than 50 percent of the weight of water required to fill the container and since it failed to meet the requirements of the standard for color, and its label failed to bear the substandard legend; and, Section 403 (h) (2), the product failed to meet the standard of fill of container for canned tomatoes, since the fill of container of the article was a fill of less than 90 percent of the total capacity of the container, and its label failed to bear a statement that it fell below the standard.

**DISPOSITION:** January 6, 1947. The Wharton Canning Co. having appeared as claimant and the allegations of the libel having been found to be true, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**13332. Misbranding of canned tomatoes. U. S. v. 55 Cases \* \* \*. (F. D. C. No. 22901. Sample No. 49496-H.)**

**LIBEL FILED:** April 9, 1947, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about October 22, 1946, by the Dublin Grocery Co., from Jacksonville, Tex.

**PRODUCT:** 55 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Lake Charles, La.

**LABEL, IN PART:** "Grapeland Tomatoes \* \* \* Packed by Mallory Canning Company, Grapeland, Texas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes, because of low drained weight as determined by the sieve test provided by the standard and because it failed to meet the test for strength and redness of color provided in the said standard, and the label failed to bear a statement that the article was substandard in quality.

**DISPOSITION:** December 9, 1947. Default decree of condemnation. The product was ordered released to a charitable institution.

**13333. Adulteration of tomato catsup. U. S. v. 2,096 Cases, etc. (F. D. C. No. 18047. Sample Nos. 29924-H, 29925-H.)**

**LIBEL FILED:** October 25, 1945, Northern District of California.

**ALLEGED SHIPMENT:** On or about April 25, 1945, by Mid-West Food Packers, Inc., from Fowlerton, Ind.

**PRODUCT:** 4,192 cases, each containing 24 14-ounce bottles, of tomato catsup at Alameda, Calif.

**LABEL, IN PART:** "Meguiar's Super Quality Tomato Catsup."

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

**DISPOSITION:** November 21, 1945. Default decree of condemnation and destruction.

**13334. Adulteration of tomato paste. U. S. v. Samuel L. Rosenthal and Max Rosenthal. Pleas of guilty. Fines, \$400 against each defendant. (F. D. C. No. 21541. Sample Nos. 25010-H, 25011-H, 45449-H, 46765-H, 46766-H, 46768-H.)**

**INFORMATION FILED:** March 14, 1947, Northern District of California, against Samuel L. Rosenthal and Max Rosenthal, manager and superintendent, respectively, of the Aron Canning Co., Stockton, Calif.

**ALLEGED SHIPMENT:** Between the approximate dates of October 9, 1945, and January 10, 1946, from the State of California into the States of Louisiana, Washington, and New York.

**LABEL, IN PART:** "Corina Brand Fancy California Tomato Paste \* \* \* Packed by Aron Canning Co., Stockton, Calif."