NATURE OF CHARGE: One shipment, unlabeled. Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (h) (1), the product was substandard in quality since its strength and redness of color was less than required by the regulations, and since it contained peel and blemishes in excess of the maximum permitted by the standard.

One shipment, labeled. Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the cans contained less than "1 lb. 3 oz.," the weight declared on the label; 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 provided by the regulations; and, Section 403 (h) (2), it fell below the standard of fill of container prescribed by the regulations, since the fill was less than 90 percent of the capacity of the container.

One shipment, labeled. Adulteration, Section 402 (b) (2), a product containing added water had been substituted for canned tomatoes. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes.

One shipment, unlabeled. Adulteration, Section 402 (b) (2), a product containing added water had been substituted for canned tomatoes. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity because of the presence of added water. Further 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; the strength and redness of color was less than required by the regulations; and the product contained peel in excess of the maximum permitted by the regulations.

DISPOSITION: November 17, 1947. A plea of nolo contendere having been entered, a fine of $1,200 was imposed.

13470. Adulteration and misbranding of canned tomatoes. U. S. v. Samuel G. Chamberlain (Chamberlain Canning Co.). Plea of nolo contendere. Fine, $1,000, plus costs. (F. D. C. No. 24079. Sample Nos. 14808-K, 20206-K.)

INFORMATION FILED: February 3, 1948, Western District of Missouri, against Samuel G. Chamberlain, trading as the Chamberlain Canning Co., Anderson, Mo.

ALLEGED SHIPMENT: On or about August 12 and 23, 1947, from the State of Missouri into the States of Nebraska and Illinois.

LABEL, IN PART: "Cornhusker Brand Tomatoes Distributed by H. P. Lau Co. Lincoln * * * Fremont * * * Fairbury, Nebr."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted for canned tomatoes.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes.

DISPOSITION: June 11, 1948. A plea of nolo contendere having been entered, the defendant was fined $1,000, together with costs.

13471. Adulteration of tomato catsup. U. S. v. 214 Cases * * *. (F. D. C. No. 24760. Sample No. 19722-K.)

LIBEL FILED: May 8, 1948, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about September 13, 1947, by the Fettig Canning Corp., from Elwood, Ind.

PRODUCT: 214 cases, each containing 24 14-ounce bottles, of tomato catsup at Covington, Ky.

LABEL, IN PART: "Mary's Choice Tomato Catsup."

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.