

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the articles were fabricated from two or more ingredients, and their labels failed to bear the common or usual name of each such ingredient; and, Section 403 (k), the articles contained a chemical preservative, benzoate of soda, and the labels failed to state that fact.

DISPOSITION: January 31, 1950. H. M. Field, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS*

15885. Adulteration of canned tomatoes. U. S. v. 597 Cases * * *. (F. D. C. No. 28559. Sample No. 46337-K.)

LIBEL FILED: On or about December 16, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about August 26, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

PRODUCT: 597 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Mattoon, Ill.

LABEL, IN PART: (Can) "Crystal Brand Tomatoes."

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.

DISPOSITION: January 19, 1950. Default decree of condemnation. The court ordered that the product be sold for purposes other than for human consumption, or in the event of failure to so dispose of the product, that it be destroyed.

15886. Adulteration of canned tomatoes. U. S. v. 169 Cases * * *. (F. D. C. No. 28424. Sample No. 42874-K.)

LIBEL FILED: December 5, 1949, Western District of Michigan.

ALLEGED SHIPMENT: On or about July 18, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

PRODUCT: 169 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Grand Rapids, Mich.

LABEL, IN PART: "Dawn Fresh Tomatoes."

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.

DISPOSITION: January 31, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15887. Misbranding of canned peeled tomatoes and puree. U. S. v. 996 Cases * * *. (F. D. C. No. 28456. Sample No. 57092-K.)

LIBEL FILED: December 5, 1949, Eastern District of New York.

*See also No. 15853.

ALLEGED SHIPMENT: On or about October 7, 1949, by the Hershel California Fruit Products Co., from San Jose, Calif.

PRODUCT: 996 cases, each containing 24 cans, of peeled tomatoes and puree at Brooklyn, N. Y.

LABEL, IN PART: (Can) "Pacific Star Italian Style Peeled Tomatoes and Puree * * * Contents 1 Lb. 12 Oz. Met. Equiv. 794 Grams."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short of the declared weight.)

DISPOSITION: February 16, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

15888. Adulteration and misbranding of tomato puree. U. S. v. 100 Cases
* * * (F. D. C. No. 28279. Sample No. 54286-K.)

LIBEL FILED: November 9, 1949, Western District of Louisiana.

ALLEGED SHIPMENT: On or about September 23, 1949, by the Akin Products Co., from Mission, Tex.

PRODUCT: 100 cases, each containing 6 No. 10 cans, of tomato puree at Shreveport, La.

LABEL, IN PART: "Val-Tex Brand Tomato Puree Net Contents 4 $\frac{3}{4}$ Oz. Avoir."

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.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained approximately 6 pounds and 6 ounces.) Further misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: February 27, 1950. Default decree of condemnation and destruction.

15889. Adulteration and misbranding of tomato puree. U. S. v. 39 Cases
* * * (and 1 other seizure action). (F. D. C. Nos. 28516, 28517.
Sample Nos. 54665-K, 54666-K.)

LIBELS FILED: January 12, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 1 and November 10, 1949, by the Akin Products Co., from Mission, Tex.

PRODUCT: 98 cases, each containing 6 10-pound cans, of tomato puree at New Orleans, La.

LABEL, IN PART: (Can) "Val-Tex Brand Tomato Puree Net Contents 4 $\frac{3}{4}$ Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product contained decomposed tomato material.)