TOMATOES AND TOMATO PRODUCTS

16340. Adulteration and misbranding of canned tomatoes. U. S. v. 448 Cases (and 1 other seizure action). Tried to the court. Judgment for Government. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. Nos. 28068, 28069. Sample Nos. 60005–K, 60006–K.)

LIBELS FILED: November 1 and 14, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 20 and 29, 1949, by the Wann Packing Co., from Frankton, Ind.

PRODUCT: 946 cases, each containing 24 No. 2½ cans, of tomatoes at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

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; and, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container was less than 50 percent of the weight of water required to fill the container, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: The Wann Packing Co. having appeared as claimant, the matter came on for trial before the court on May 31, 1950, and judgment was entered for the Government. On June 5, 1950, decrees of condemnation were entered and the court ordered that the product be released under bond, to be converted into a food product for which a definition and standard of identity has not been established, under the supervision of the Food and Drug Administration.

16341. Adulteration of tomato catsup. U. S. v. 28 Cases, etc. (F. D. C. No. 28430. Sample No. 64583–K.)

LIBEL FILED: December 13, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about September 9, 1949, by the Naas Corp. of Indiana, from Markle, Ind.

PRODUCT: 328 cases, each containing 24 14-ounce bottles, of tomato catsup at Minneapolis, Minn.

LABEL, IN PART: "Sun Red 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: June 5, 1950. The sole intervener having consented to the entry of a decree, the court ordered that the product be denatured for use as animal feed, or destroyed. The product was destroyed.

16342. Adulteration of tomato puree. U. S. v. 20 Cases * * *. (F. D. C. No. 29208. Sample Nos. 15463–K, 15464–K.)

LIBEL FILED: May 4, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 31 and March 6, 1950, by the Butterfield Canning Co., from Plumtree, Ind.

PRODUCT: 20 cases, each containing 48 10½-ounce cans, of tomato puree at Detroit, Mich.