

ALLEGED SHIPMENT: On or about May 24, 1946, by the South Atlantic Canning Co., from Mt. Pleasant, S. C.

PRODUCT: 200 cases, each containing 24 1-pound, 2-ounce cans, of turnip greens at Jacksonville, Fla.

LABEL, IN PART: "I-Dine Brand * * * Turnip Greens."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned turnip greens, since it had not been processed by heat so as to prevent spoilage. (Examination showed that the product was in whole or in part decomposed.)

DISPOSITION: January 22, 1948. Default decree of condemnation. The product was ordered delivered to an institution, conditioned that the unfit portion be destroyed or used for animal feed.

TOMATOES AND TOMATO PRODUCTS*

12959. Adulteration of canned tomatoes and adulteration and misbranding of canned tomato paste and tomato puree. U. S. v. John Minervini. Plea of guilty. Fine, \$402. (F. D. C. No. 16573. Sample Nos. 93751-F, 93755-F, 93760-F, 93844-F.)

INFORMATION FILED: November 13, 1945, District of New Jersey, against John Minervini, Hoboken, N. J.

ALLEGED SHIPMENT: On or about November 28 and 30 and December 4 and 5, 1944, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Minervini Brand * * * Tomato Paste [or "Italian Style Unpeeled Tomatoes With Added Tomato Juice," or "Tomato Puree"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the tomato paste and canned tomatoes consisted in whole or in part of decomposed substances by reason of the presence of decomposed tomato material, and the tomato puree consisted in whole or in part of a filthy substance by reason of the presence of insects and larvae.

Misbranding, Section 403 (g) (1), the tomato paste and tomato puree failed to conform to the definition and standard of identity, since the tomato paste contained less than 25 percent of salt-free tomato solids and the tomato puree contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: March 13, 1946. A plea of guilty having been entered, the defendant was fined \$402.

12960. Adulteration and misbranding of canned tomatoes. U. S. v. 1,999 Cases * * *. (F. D. C. No. 23946. Sample No. 18617-K.)

LIBEL FILED: November 18, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 10, 1947, by Albert W. Sisk & Son, from Preston, Md.

PRODUCT: 1,999 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Cincinnati, Ohio.

LABEL, IN PART: "Pine Cone Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes, which provides that canned tomatoes are sealed in a container and so processed by heat as to prevent spoilage. The article had not been processed by heat so as to prevent spoilage.

DISPOSITION: January 14, 1948. H. B. Wright & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the bad cans of tomatoes, under the supervision of the Food and Drug Administration.

12961. Adulteration and misbranding of canned tomatoes. U. S. v. 1,939 Cases * * *. (F. D. C. No. 24142. Sample No. 8-K.)

LIBEL FILED: On or about December 1, 1947, Eastern District of South Carolina.

*See also Nos. 12819, 12820.

ALLEGED SHIPMENT: On or about August 21, 1947, by the Belmont Canning Co., from Threeway, Va.

PRODUCT: 1,939 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Charleston, S. C.

LABEL, IN PART: "Rich-West Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes, since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: March 5, 1948. The Belmont Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

12962. Misbranding of canned tomatoes. U. S. v. 238 Cases * * *. (F. D. C. No. 24342. Sample No. 22264-K.)

LABEL FILED: February 9, 1948, Northern District of Florida.

ALLEGED SHIPMENT: On or about October 13, 1947, by the Watkins Produce Co., from Thomasville, Ga.

PRODUCT: 238 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Pensacola, Fla. Examination showed that the product was decomposed.

LABEL, IN PART: "Rich-West Brand Tomatoes * * * Packed by Belmont Canning Co. Threeway, Va."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: April 7, 1948. Default decree of condemnation and destruction.

12963. Adulteration of canned tomatoes. U. S. v. 445 Cases * * *. (F. D. C. No. 24480. Sample No. 14691-K.)

LABEL FILED: March 17, 1948, Western District of Michigan.

ALLEGED SHIPMENT: On or about October 30, 1947, by the Cooper Canning Co., from Elwood, Ind.

PRODUCT: 445 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Benton Harbor, Mich.

LABEL, IN PART: "Defiance Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 29, 1948. Default decree of condemnation. The product was ordered delivered to a State institution, for use as animal feed.

12964. Misbranding of canned tomatoes. U. S. v. 1,798 Cases * * *. (F. D. C. No. 24448. Sample No. 14837-K.)

LABEL FILED: March 1, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 9, 1948, by Roberts Bros., Inc., from Baltimore, Md.

PRODUCT: 1,798 cases, each containing 48 10-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Roberts Big R Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: April 2, 1948. Messcher & Stock, Inc., Chicago, Ill. claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of