12968. Misbranding of canned tomatoes. U. S. v. 479 Cases * * *. (F. D. C. No. 23671. Sample No. 76713–H.)

LIBEL FILED: September 4, 1947, Southern District of Alabama.

ALLEGED SHIPMENT: On or about June 28, 1947, by the Rio Hondo Canning Co., from Rio Hondo, Tex.

PRODUCT: 479 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Mobile, Ala.

LABEL, IN PART: "Cream of Texas Tomatoes * * * Packed by Rio-Tex Products Co. Weslaco, Tex."

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

DISPOSITION: October 10, 1947. C. L. Skaggs, trading as the Rio-Tex Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

12969. Misbranding of canned tomatoes. U. S. v. 299 Cases * * *. (F. D. C. No. 23846. Sample No. 20678–H.)

LIBEL FILED: October 14, 1947, District of Nebraska.

ALLEGED SHIPMENT: On or about July 24, 1947, by the Cherokee County Canning Co., from Rusk, Tex.

PRODUCT: 299 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Norfolk, Nebr.

LABEL, IN PART: "CCC Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article 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 the color of the tomatoes was not of the strength and redness required by the standard, and it was not labeled as substandard, as required by the regulations.

DISPOSITION: March 12, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On March 25, 1945, an amended decree was entered ordering that the product be delivered for the use of charitable institutions.

12970. Misbranding of canned tomatoes. U. S. v. 260 Cases, etc. (F. D. C. No. 24120. Sample Nos. 20234–K to 20236–K, incl.)

LIBEL FILED: November 25, 1947, District of Nebraska.

ALLEGED SHIPMENT: On or about August 9 and 20, 1947, by the Allen Canning Company, from Siloam Springs, Ark.

PRODUCT: Tomatoes. 1,343 cases, each containing 24 1-pound, 3-ounce cans, and 574 cases, each containing 6 6-pound, 6-ounce cans, at Omaha, Nebr.

LABEL, IN PART: "King of Ozarks Brand Standard Grade Tomatoes * * * Packed By Robinson Canning Co., Siloam Springs," or "Allen Hi-Grade Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes, and the labels failed to bear a statement that the product was substandard. In a portion of the product (260 cases), the drained weight and the strength and redness of color of the tomatoes did not conform to the regulations; in the remainder, the strength and redness of color did not conform to the regulations, and the product contained peel in excess of the amount permitted by the regulations.

Further misbranding, Section 403 (a), the statement "Standard Grade" was false and misleading, since the article was of substandard quality.

DISPOSITION: February 6, 1948. D. E. Allen, Delbert Allen, Jr., and Irma Faye Allen, trading as the Allen Canning Co. and the Robinson Canning Co., claimants, having admitted the material allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product