17085. Misbranding of canned tomatoes. U. S. v. 899 Cases * * *. (F. D. C. No. 30278. Sample No. 74834–K.)

LIBEL FILED: November 21, 1950, District of Connecticut.

ALLEGED SHIPMENT: On or about October 13, 1950, by Southern Packing Co., Inc., from Smithsburg, Md.

PRODUCT: 899 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hartford, Conn.

LABEL, IN PART: (Can) "Suncrest * * * Solid Pack Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product failed to conform to the standard of identity for canned tomatoes in that the label failed to bear a statement that calcium salts had been added.

DISPOSITION: January 11, 1951. Gaer Bros., Inc., Hartford, Conn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of relabeling, under the supervision of the Food and Drug Administration.

17086. Misbranding of canned tomatoes. U. S. v. 840 Cases * * *. (F. D. C. No. 30227. Sample No. 85654–K.)

LIBEL FILED: December 21, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about September 14, 1950, by Albert W. Sisk & Son, from Preston, Md.

PRODUCT: 840 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hopkins, Minn.

LABEL, IN PART: "Salem Brand Tomatoes * * * Packed by Salem Packing Co. Thos. J. Faulkner & Sons, Salem, Md."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality because it contained tomato peel in excess of one square inch per pound of tomatoes in the container, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: February 7, 1951. Default decree of condemnation. The court ordered that the 13 cases of the product, the amount actually seized, be delivered to a charitable institution.

17087. Adulteration of tomato puree. U. S. v. 40 Cases * * *. (F. D. C. No. 30141. Sample No. 74165–K.)

LIBEL FILED: November 16, 1950, Northern District of New York.

ALLEGED SHIPMENT: On or about September 29, 1950, by Uddo & Taormina Co., from Vineland, N. J.

PRODUCT: 40 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Utica, N. Y.

LABEL, IN PART: "Mountain Beauty * * * Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 28, 1950. Default decree of condemnation and destruction.