13671. Misbranding of canned tomatoes. U. S. v. 87 Cases * * *. (F. D. C. No. 22166. Sample No. 53638-H.)

LIBEL FILED: January 9, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 18, 1946, by the Springdale Canning Co., from Springdale, Ark.

PRODUCT: 87 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Dayton, Ohio.

LABEL, IN PART: "Little Mill Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: March 26, 1947. The Steele Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

13672. Misbranding of canned tomatoes. U. S. v. 50 Cases * * *. (F. D. C. No. 24181. Sample No. 22050-K.)

LIBEL FILED: December 15, 1947, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about August 13, 1947, by the Halls Canning Co., from Halls, Tenn.

PRODUCT: 50 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Columbus, Miss.

LABEL, IN PART: "Pride of Halls Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality because it failed to meet the requirements for color, and the label failed to bear a statement that the product was below standard.

DISPOSITION: July 9, 1948. The Halls Canning Co., having filed an agreement releasing all claim or title to the product, judgment was entered ordering that the product be delivered to a charitable institution.

13673. Adulteration of tomato paste and tomato puree and misbranding of canned apricots and canned diced peaches and pears. U. S. v. Flotill Products, Inc. Plea of guilty. Fine, $5,000. (F. D. C. No. 20115. Sample Nos. 73404-F, 73420-F, 85945-F, 5212-H, 5213-H, 8807-H, 25658-H, 25898-H, 25899-H, 28472-H, 29462-H, 47313-H, 47703-H.)

INDICTMENT RETURNED: September 12, 1946, Northern District of California, against Flotill Products, Inc., Stockton and Modesto, Calif.

ALLEGED VIOLATION: The defendant was charged with giving a false guaranty on or about June 21, 1944, to the American Factors, Ltd., of Honolulu, T. H. This guaranty provided that all articles of food sold by the defendant to the American Factors, Ltd., would comply with the Federal Food, Drug, and Cosmetic Act. On or about November 10, 1944, the defendant delivered to the American Factors, Ltd., a number of cans of tomato puree which was adulterated; and on or about February 2, 1945, the American Factors, Ltd., shipped the cans of tomato puree from San Francisco, Calif., to Honolulu, Territory of Hawaii.

In addition it was charged that during the period of July 25, 1944, to November 20, 1945, the defendant shipped from the State of California into the States of Washington, Oklahoma, Colorado, Pennsylvania, and New York, quantities of tomato paste and tomato puree which were adulterated, and canned whole apricots and apricot halves and canned diced peaches and pears which were misbranded.

LABEL, IN PART: "Flotta Tomato Paste," "Flotta Tomato Puree," "Flotill Tomato Paste," "Flotill Whole Apricots In Heavy Syrup," "Flotta Unpeeled Halves Apricots In Light Syrup," or "Flotill Peaches and Pears Diced In Heavy Syrup."

NATURE OF CHARGE: Tomato paste and tomato puree. Adulteration, Section 402 (a) (3), the products consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Whole apricots and halves. Misbranding, Section 403 (a), the label statements "In Heavy Syrup" on the canned whole apricots and "In Light Syrup" on the canned apricot halves were false and misleading since the whole