DISPOSITION: April 5, 1949. The defendant having entered a plea of nolo contendere, the court imposed a fine of $350.

**14746. Adulteration of canned tomatoes. U. S. v. 47 Cases * * * (and 1 other seizure action).** (F. D. C. Nos. 25876, 25877. Sample Nos. 23621-K, 23624-K.)

LIBELS FILED: October 25, 1948, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about August 24, 1948, by the Humboldt Canning Co., from Humboldt, Tenn.

PRODUCT: 47 cases and 178 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Columbus, Miss.

LABEL, IN PART: "Dyer Brand Hand Packed Tomatoes."

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 maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 2, 1948. The sole intervener having consented to the entry of decrees, judgments were entered ordering the product destroyed.

**14747. Misbranding of canned tomatoes. U. S. v. 430 Cases * * *.** (F. D. C. No. 26216. Sample No. 7881-K.)

LIBEL FILED: December 9, 1948, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 6, 1948, by the Ariston Canning Co., from Cologne, N. J.

PRODUCT: 430 cases, each containing 24 cans, of tomatoes at Johnstown, Pa.

LABEL, IN PART: "Asco Brand Tomatoes Net Weight 1 Lb. 12 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 1 pound and 12 ounces, the declared weight.)

DISPOSITION: January 10, 1949. The Ariston Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the sorting and separation of the cans that were full weight from those that were short weight and correctly relabeling the latter, under the supervision of the Food and Drug Administration. Of the 353 cases seized, 324 cases were relabeled.

**14748. Misbranding of tomato catsup. U. S. v. 64 Cases * * *.** (F. D. C. No. 25264. Sample No. 28573-K.)

LIBEL FILED: September 1, 1948, District of Wyoming.

ALLEGED SHIPMENT: On or about June 22, 1948, by the Woods Cross Canning Co., from Clearfield, Utah.

PRODUCT: 64 cases, each containing 6 cans, of tomato catsup at Sheridan, Wyo.

LABEL, IN PART: "Woods Cross Brand Tomato Catsup Net Contents 8 Lbs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans were short-weight.)

DISPOSITION: May 25, 1949. The Woods Cross Canning Co., claimant, having consented to the entry of a decree, 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.