

**LABEL, IN PART:** "Trappey's Shield Label Tomatoes \* \* \* Packed by B. F. Trappey's Sons Inc., Lafayette, Louisiana."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Packed by B. F. Trappey's Sons Inc." was false and misleading since the product was not packed by that firm; and, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it was below standard in color and contained excessive peel, and it failed to bear the substandard legend.

**DISPOSITION:** January 5, 1948. The Bennett-Ray 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.

**14647. Adulteration of tomato catsup. U. S. v. 449 Cases \* \* \*. (F. D. C. No. 24424. Sample No. 24944-K.)**

**LIBEL FILED:** January 23, 1948, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about October 15, 1947, by the Fettig Canning Corp., from Elwood, Ind.

**PRODUCT:** 449 cases, each containing 24 14-ounce bottles, of tomato catsup at Davenport, Iowa.

**LABEL, IN PART:** "Mary's Choice Tomato Catsup."

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

**DISPOSITION:** March 26, 1948. Default decree of condemnation and destruction.

**14648. Adulteration of tomato catsup. U. S. v. 39 Cases \* \* \*. (F. D. C. No. 26432. Sample No. 2566-K.)**

**LIBEL FILED:** January 31, 1949, Northern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 25, 1948, by the Fettig Canning Corp., from Elwood, Ind.

**PRODUCT:** 39 cases, each containing 24 14-ounce bottles, of tomato catsup at Gypsy, W. Va.

**LABEL, IN PART:** (Bottle) "Mary's Choice Tomato Catsup."

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

**DISPOSITION:** February 23, 1949. Default decree of condemnation and destruction.

**14649. Adulteration of tomato catsup. U. S. v. 77 Cases \* \* \*. (F. D. C. No. 26387. Sample No. 40166-K.)**

**LIBEL FILED:** On or about January 19, 1949, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about November 18, 1948, by the Morgan Packing Co., from Austin, Ind.

**PRODUCT:** 77 cases, each containing 24 14-ounce bottles, of tomato catsup at Richmond, Va.

**LABEL, IN PART:** (Bottles) "American Beauty \* \* \* Tomato Catsup."

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

**DISPOSITION:** March 4, 1949. Default decree of condemnation and destruction.

**14650. Adulteration of tomato paste. U. S. v. 299 Cases \* \* \* (and 3 other seizure actions).** (F. D. C. Nos. 18757, 18792, 18875, 19177. Sample Nos. 25011-H, 45449-H, 46615-H, 46765-H, 46766-H, 46768-H.)

**LIBELS FILED:** January 3, 9, and 22, and February 14, 1946, District of Utah, Western District of Washington, Eastern District of Louisiana, and Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 9 and November 3, 5, and 21, 1945, and January 10, 1946, in part, by the Aron Canning Co., from Stockton, Lodi, and Alameda, Calif., and by the Regent Canfood Co., from Alameda, Calif.

**PRODUCT:** Tomato paste. 299 cases at Salt Lake City, Utah, 75 cases at Seattle, Wash., 233 cases at New Orleans, La., and 400 cases at New York, N. Y. Each case contained 100 6-ounce cans.

**LABEL IN PART:** "Corina [or "Corina Brand"] Fancy California Tomato Paste Net Weight 6 Oz. Avoir., Packed by Aron Canning Co., Stockton, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product contained decomposed tomato material.)

**DISPOSITION:** On March 20, 1946, the Aron Canning Co. having appeared as claimant, the cases were transferred to the District of Nevada for consolidation at the claimant's request. Subsequently, the Bank of America National Trust and Savings Association as trustee, under the Last Will and Testament of Aron Hershel, doing business as the Aron Canning Co., appeared as claimant. Pursuant to an order of the court, dated December 20, 1946, and an Amended Notice of Taking of Samples, dated March 27, 1947, the claimant and the Government took post seizure samples. On February 5, April 9, and December 3, 1948, the claimant having consented, decrees of condemnation and destruction were entered.

**14651. Adulteration of tomato paste. U. S. v. 155 Cases \* \* \*. (F. D. C. No. 24454. Sample No. 2467-K.)**

**LIBEL FILED:** February 26, 1948, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 2 and November 25, 1947, by Gibbs & Co., Inc., from Baltimore, Md.

**PRODUCT:** 155 cases, each containing 100 6-ounce cans, of tomato paste at Huntington, W. Va.

**LABEL, IN PART:** "Gibbs Tomato Paste."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** May 27, 1948. Default decree of condemnation and destruction.

**14652. Adulteration of tomato puree. U. S. v. 498 Cases \* \* \* (and 2 other seizure actions).** (F. D. C. Nos. 24879, 24880, 24913. Sample Nos. 33605-K, 33606-K, 33610-K.)