4652. Adulteration of tomato puree. U. S. v. Salem County Canners, Inc. Plea of guilty. Fine, $400. (F. D. C. No. 7666. Sample Nos. 59091–E, 84708–E, 89021–E, 89036–E.)

On September 9, 1942, the United States attorney for the District of New Jersey filed an information against the Salem County Canners, Inc., Trenton, N. J., alleging delivery for shipment within the period from on or about October 24, 1941, to on or about January 5, 1942, from the State of New Jersey into the State of New York and the District of Columbia, of quantities of tomato puree which was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Empress Brand Tomato Puree F. H. Leggett & Co. Distributors New York, N. Y.," or "O. K. Brand * * * Tomato Puree Packed by Fogg & Hires Co. Salem N. J."

On March 12, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $400

4653. Adulteration of tomato puree. U. S. v. 207 Cans of tomato puree. Default decree of condemnation and destruction. (F. D. C. No. 8726. Sample No. 18848–F.)

This product was underprocessed and in part decomposed.

On November 9, 1942, the United States attorney for the Eastern District of New York filed a libel against 207 5-gallon cans of tomato puree at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 15, 1942, by Comly-Flanigen (brokers) from Bridgeton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS

4654. Adulteration of apple chops. U. S. v. Abram K. Orbaker and John J. Bush (Orbaker & Bush). Pleas of guilty. Fine, $25 against each defendant. (F. D. C. No. 6483. Sample Nos. 27506–E, 67581–E.)

One shipment of this product contained rodent hairs and insect fragments and the other shipment was dirty and wormy.

On May 25, 1942, the United States attorney for the Western District of New York filed an information against Abram K. Orbaker and John J. Bush, copartners, trading as Orbaker & Bush, at Williamson, N. Y., alleging shipment on or about November 9, 1940, and August 20, 1941, from the State of New York into the States of Missouri and Kentucky of quantities of apple chops that were adulterated in that they consisted in whole or in part of a filthy substance, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On September 8, 1942, the defendant John J. Bush, having entered a plea of guilty to count 1 covering the shipment of August 20, 1941, into the State of Missouri, the court imposed a fine of $25 and dismissed the charges in Count 2 against him. On May 11, 1943, Abram K. Orbaker, having entered a plea of guilty to Count 2 of the information, covering the shipment on November 9, 1940, into the State of Kentucky, the court imposed a fine of $25 and dismissed the charges in Count 1 of the information against him.

4655. Adulteration of evaporated apples. U. S. v. 3,870 Cases of Evaporated Apples. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8898. Sample No. 17121–F.)

This product contained insect and larvae excreta pellets and worm tunneling.

On November 20, 1942, the United States attorney for the Northern District of New York filed a libel against 3,870 cases of evaporated apples at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce on or about October 9 and 10, 1942, by Rosenberg Bros. & Co., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "For Manufacturing Purposes Only California Evaporated Apples."

On January 11, 1943, the Borden Co. of New York, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit and the destruction or denaturing of that portion which was not fit.