5240. Adulteration of tomato puree. U. S. v. 70 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 9936. Sample No. 38137-F.)

On May 14, 1943, the United States attorney for the Northern District of Illinois filed a libel against 70 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 30, 1942, by the Paulding Packing Co. from Paulding, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance, as evidenced by mold.

On June 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5241. Misbranding of tomato puree. U. S. v. 150 Cases of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9950. Sample No. 36070-F.)

This product was short-weight.

On May 31, 1943, the United States attorney for the District of Wyoming filed a libel against 150 cases, each containing 6 No. 10 cans, of tomato puree at Casper, Wyo., alleging that the article had been shipped in interstate commerce on or about February 17, 1943, by the Colorado Marketing Company from Denver, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "Colo. Flavor Tomato Puree * * * Net Contents 7 Lbs. 2 Oz. Packed by The Colorado Growers Co-Operative Palisade Colorado."

The article was alleged to be misbranded in that the statement: "Net Contents 7 Lbs. 2 Oz." appearing on the labeling was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 14, 1943, the Colorado Marketing Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

MEAT AND POULTRY

5242. Misbranding of horse meat. U. S. v. Max Dubin (alias John Doe). Plea of guilty. Fine, $250 and costs on each of counts 1 and 2; defendant placed on probation for 2 years on count 3. (F. D. C. No. 9628. Sample Nos. 19203-F, 19912-F.)

On May 11, 1943, the United States attorney for the District of Rhode Island filed an information against Max Dubin, alias John Doe, at Providence, R. I., alleging that within the period from on or about November 30 to December 17, 1942, the defendant shipped, from the State of Massachusetts into the State of Rhode Island, a quantity of horse meat, and that when so shipped the article was labeled in part: (Carton) "Hill Packing Company, Topeka, Kansas, U. S. A. Established in 1907 Net Weight 25 Pounds CHUNK HORSE MEAT Frozen S. 3 B. U. S. Inspected and passed by Department of Agriculture Est. E-83."

The information alleged further that thereafter, and while the said horse meat was held for sale after shipment in interstate commerce, the defendant removed and caused to be removed all the printed or graphic matter borne on the said cartons with the exception of the statement "U. S. Inspected and passed by Department of Agriculture Est. E-83"; and that the acts of the defendant of removing and causing a part of the labels to be removed from the cartons resulted in the article being misbranded in the following respects: (1) In that it was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. (2) In that it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. And (3) in that its label failed to bear the common or usual name of the food, horse meat.

On May 25, 1943, the defendant having entered a plea of guilty, the court imposed a fine of $250 on each of counts 1 and 2, and placed the defendant on probation for 2 years on count 3.

5243. Adulteration of dressed poultry. U. S. v. 135 Crates of Dressed Poultry. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9820. Sample No. 20517-F.)

On April 17, 1943, the United States attorney for the District of Massachusetts filed a libel against 135 crates of dressed poultry at Boston, Mass., alleging that