

5378. Adulteration and misbranding of tomato puree. U. S. v. Jacob Lutz (Lutz Canning Co.). Plea of guilty. Fine, \$300. (F. D. C. No. 9675. Sample No. 1898-F.)

This product contained mold, indicating the presence of decomposed material. The cans containing the product were unlabeled.

On September 15, 1943, the United States attorney for the Southern District of Ohio filed an information against Jacob Lutz, trading at Arcanum, Ohio, under the firm name Lutz Canning Co., alleging shipment on or about November 11, 1942, from the State of Ohio into the State of Illinois of a quantity of canned tomato puree that was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. It was alleged to be misbranded in that it was in package form and (a) did not bear a label containing the name and place of business of the manufacturer, packer or distributor; and (b) did not bear a label containing an accurate statement of the quantity of the contents, since the cans bore no statement of the quantity of the contents. It was alleged to be misbranded further in that it was represented as a food for which a standard of identity had been prescribed by regulation promulgated pursuant to law and it did not bear a label containing the name of the food, tomato puree, specified in the definition and standard.

On November 1, 1943, the defendant having entered a plea of guilty to both counts of the information, the court imposed a fine of \$150 on each count, or a total fine of \$300.

5379. Adulteration of okra and tomato puree. U. S. v. 196 Cases of Okra and Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 10048. Sample No. 8970-F.)

Examination showed this product to be decomposed and fermented.

On June 2, 1943, the United States attorney for the Southern District of Texas filed a libel against 196 cases of okra and tomato puree at Houston, Texas, alleging that the article had been shipped in interstate commerce on or about October 10, 1942, by the Evangeline Pepper & Food Products from Saint Martinville, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jars) "Bulliard's Evangeline Brand Okra and Tomato Puree."

On July 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5380. Adulteration of tomato soup. U. S. v. 48 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 10166. Sample No. 46331-F.)

Examination showed the product was made from moldy and decayed tomatoes.

On June 30, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 48 cases, each containing 24 cans, of tomato soup at Hopewell, Va., alleging that the article had been shipped in interstate commerce on or about January 12, 1943, by the Phillips Sales Co., Inc., from Cambridge, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Phillips Delicious 'Newly improved' and now better-than-ever Condensed * * * Tomato Soup."

On August 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GRAINS AND FEEDS

5381. Misbranding of alfalfa meal. U. S. v. James H. Crain and R. E. L. Wilson, Jr., the latter also known as Lee Wilson (Lee Wilson & Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 8836. Sample No. 26483-F.)

On April 15, 1943, the United States attorney for the Eastern District of Arkansas filed an information against James H. Crain and R. E. L. Wilson, Jr., the latter also known as Lee Wilson, both trading and doing business under the firm of Lee Wilson & Co., at Wilson, Ark., alleging shipment on or about July 10, 1942, from the State of Arkansas into the State of Maryland of a quantity of alfalfa meal that was misbranded. The article was labeled in part: "Wilson's Alfalfa Leaf Meal Dehydrated * * * Made by Lee Wilson & Company Wilson, Arkansas Guaranteed Analysis Protein 20% * * * Fibre 18%."

The article was alleged to be misbranded in that the statement "Protein 20%" and "Fibre 18%" were false and misleading, since it contained protein in amounts varying from 17.81 percent to 17.99 percent, and contained fibre in amounts varying from 25 percent to 25.12 percent.

On May 3, 1943, a plea of guilty having been entered, the court imposed a fine of \$25.

5382. Misbranding of calf meal. U. S. v. 39 Bags and 6 Bags of Calf Meal. Default decree of condemnation and destruction. (F. D. C. No. 9937. Sample No. 8741-F.)

On May 13, 1943, the United States attorney for the Western District of Wisconsin filed a libel against 39 25-pound bags and 6 100-pound bags of calf meal at Arcadia, Wis., alleging that the article had been shipped in interstate commerce on or about March 9, 1943, by the Hilltop Mills from Minneapolis, Minn.; and charging that it was misbranded. The article was labeled in part: "Hilltop Calf Meal * * * Guaranteed Analysis Protein not less than 24% Fat not less than 4.5%."

The article was alleged to be misbranded in that the statement "Protein not less than 24% Fat not less than 4.5%" was false and misleading as applied to the article since it contained not more than 20.94 percent of protein and not more than 3.64 percent of fat.

On June 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5383. Adulteration of dried egg screenings. U. S. v. 12 Barrels of Dried Egg Screenings. Default decree of condemnation. Product ordered denatured for the purpose of feeding hogs. (F. D. C. No. 10035. Sample No. 9063-F.)

On or about June 10, 1943, the United States attorney for the Northern District of Texas filed a libel against 12 barrels of dried egg screenings at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about April 15, 1943, by T. Jensen & Sons from Chanute, Kans.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, cinder fragments, rodent hair fragments, rust and lead fragments, and a decomposed substance, moldy egg particles.

On July 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On August 11, 1943, the order of destruction was amended providing that the product be denatured and disposed of as hog feed.

MEAT AND POULTRY

5384. Adulteration of skinless frankfurters. U. S. v. 48 Cases and 3 Cases of Skinless Frankfurters. Default decrees of condemnation. Product destroyed. (F. D. C. Nos. 10213, 10214. Sample Nos. 8621-F, 8622-F.)

On June 30, 1943, the United States attorney for the District of South Dakota filed libels against 48 cases and 3 cases of skinless frankfurters at Sioux Falls, S. Dak., alleging that the article had been shipped in interstate commerce on or about June 1 and 12, 1943, by the Delco (Delico) Meat Products Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted wholly or in part of filthy and putrid matter.

On August 2, 1943, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be disposed of by the marshal. It was destroyed.

5385. Misbranding of chicken liver juive. U. S. v. 74 Cases of Chicken Liver Juive. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10424. Sample No. 11568-F.)

This product was short-weight.

On August 17, 1943, the United States attorney for the Northern District of California filed a libel against 74 cases of chicken liver juive at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 29, 1943, by Appetizing Food Products from Detroit, Mich.; and charging that it was misbranded. The article was labeled in part: (Jar lid) "Giovanni's Chicken Liver Juive Spread for sandwiches * * * Net Wt. 3 $\frac{7}{8}$ oz."

The article was alleged to be misbranded in that the statement "Net Wt. 3 $\frac{7}{8}$ oz." was false and misleading as applied to an article that was short-weight, and in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.