LABEL IN PART: (Can) "RED Gold BRAND INDIANA TOMATO JUICE * * * DISTRIBUTED BY KENNETH N. RIDER CO., INC., TRAFALGAR, INDIANA."

LIBELED: 12–28–62, E. Dist. Ky.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 1–30–63. Default—destruction.

28872. **Tomato ketchup.** (F.D.C. No. 48706. S. No. 15–946 V.)

QUANTITY: 36 cases, each containing 6 7-lb. 3-oz. cans, at Cincinnati, Ohio.

SHIPPED: 9–24–62 and 10–30–62, from Muncie, Ind., by HLH Products.

LABEL IN PART: (Can) "Niehaus Red Label Tomato Ketchup Distributors Niehaus Bros. Cincinnati 14, Ohio."

LIBELED: 2–18–63, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots, and decomposed tomato material when shipped.

DISPOSITION: 4–17–63. Default—destruction.

28873. **Spaghetti sauce (tomato product).** (F.D.C. No. 47885. S. Nos. 55–668/9 T.)

INFORMATION FILED: 12–29–62, N. Dist. N.Y., against Ventre Packing Co., Inc., Syracuse, N.Y.

SHIPPED: On 2–28–62, from Syracuse, N.Y., to Linden, N.J.

LABEL IN PART: (Jar) "Enrico's Spaghetti Sauce or ["Enrico's Spaghetti Sauce With Mushrooms"] Net Wt. 1 lb. 13 oz. A product of Ventre Packing Co., Syracuse, New York."

CHARGE: 403(e)(2)—when shipped, the label of the article failed to bear an accurate statement of the quantity of the contents, since its label represented that each jar contained 1 lb. 13 oz. whereas each jar contained less than 1 lb. 13 oz.

PLEA: Guilty.

DISPOSITION: 1–21–63. Fined $500.

28874. **Spaghetti sauce (tomato product).** (F.D.C. No. 47877. S. Nos. 14–328 T, 41–352 T.)

INFORMATION FILED: 11–27–62, W. Dist. N.Y., against S. Gumpert Co., Inc., Ontario, N.Y., and Leonard Gminski, plant manager.

SHIPPED: Between 11–9–61 and 11–22–61, from Ontario, N.Y., to Chicago, Ill., and Jersey City, N.J.

LABEL IN PART: (Can) "Gumpert's Supreme Brand Spaghetti Sauce Net Contents 1 Quart Made in U.S.A. by S. Gumpert Co., Inc., Jersey City, N.J." "Gumpert's Spaghetti Sauce Contents 3 Quarts Made in U.S.A. by S. Gumpert Co., Inc., Jersey City, N.J."

CHARGE: 402(a)(3)—when shipped, contained insects, insect fragments, maggot and fly eggs; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 3–25–63. Corporation—$1,000 fine; Gminski—$500 fine.