LABEL, IN PART: "Little Sport Brand."

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: April 5 and 10, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8966. Adulteration of tomato puree. U. S. v. 700 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 15683. Sample No. 22127-H.)

LIBEL FILED: March 24, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 9, 1944, by the Arthur Canneries, Inc., from Montpelier, Ind.

PRODUCT: 700 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at St. Louis, Mo.

LABEL, IN PART: "Knight Guard O' Quality * * * Indiana Tomato Puree."

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: July 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8967. Misbranding of tomato puree. U. S. v. 50 Cases of Tomato Puree. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15401. Sample No. 90076-F.)

LIBEL FILED: On or about February 20, 1945, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 23, 1943, by the White and Sloat Canning Co., from Whitesburg, Tenn.

PRODUCT: 50 cases, each containing 6 cans, of tomato puree at Mayfield, Ky. Examination showed that the product was short-weight and that it contained less than 8.37 percent of salt-free tomato solids.

LABEL, IN PART: "White's Standard Quality Tomato Puree Contents 6 Lbs. 8 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (g) (1), it failed to conform to the definition and standard for tomato puree since the definition and standard requires that tomato puree shall contain not less than 8.37 percent of salt-free tomato solids, whereas the article contained less than that amount.

DISPOSITION: May 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8968. Misbranding of tomato puree. U. S. v. 800 Cases of Tomato Puree. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15291. Sample Nos. 5942-H, 6081-H.)

LIBEL FILED: February 19, 1945, Eastern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of October 28 and November 14, 1944, by the Escalon Packers, Inc., from Escalon, Calif.

PRODUCT: 800 cases, each containing 6 cans, of tomato puree at Brooklyn, N. Y. Examination showed that the article was short-weight.

LABEL, IN PART: (Cans) "Bonta Fancy Tomato Puree Net Weight 6 Lb. 8 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 23, 1945. The Escalon Packers, Inc., having admitted the allegations of the libel, 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.

8969. Adulteration of tomato sauce. U. S. v. 1,574 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 15189. Sample No. 27306-H.)

LIBEL FILED: February 3, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about November 20, 1944, by the Western California Canners, Inc., from Antioch, Calif.

PRODUCT: 1,574 cases, each containing 72 8-ounce cans, of tomato sauce at Portland, Oreg.

LABEL, IN PART: "S and W Tomato Sauce Spanish Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND POULTRY *

8970. Misbranding of canned cooked ham. U. S. v. 23 Cases of Canned Cooked Ham. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 15387. Sample No. 28323–H.)

LIBEL FILED: March 2, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about January 17, 1945, by the Metropolitan Pool Car Associates, from New York, N. Y.

PRODUCT: 23 cases, each containing 6 cans, of cooked ham at Seattle, Wash. Examination showed that the article was short-weight.

LABEL, IN PART: (Cans) "Esskay Quality Ham * * * Contents 12 lbs, 13 ozs. [or other weight marked on can] Packed By The Wm. Schluderberg-T. J. Kurdle Co. Baltimore, Maryland."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 8, 1945. Meats, Inc., Seattle, Wash., claimant, having admitted the allegations of the libel, 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.

8971. Misbranding of frozen muskrats. U. S. v. 27,360 Pounds of Frozen Muskrats. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16237. Sample No. 11647–H.)

LIBEL FILED: May 23, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 5, 1945, by the Southern United Ice Co., from Hammond, La.

PRODUCT: 27,360 pounds of frozen muskrats at Worcester, Mass.

NATURE OF CHARGE: Misbranding, Section 403 (b), the product was offered for sale under the name of another food, rabbit; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

DISPOSITION: July 9, 1945. Manuel Sigel, trading as the New Model Market, Worcester, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

8972. Alleged adulteration of dressed poultry. U. S. v. Wilson and Co. Plea of not guilty. Tried to a jury. Verdict of not guilty. (F. D. C. No. 9692. Sample No. 9047–F.)

INFORMATION FILED: On September 20, 1943, in the District of Kansas, against Wilson and Co., a corporation, Wichita, Kans.

ALLEGED SHIPMENT: On or about March 17, 1943, from the State of Kansas into the State of Texas.

LABEL, IN PART: "Wilson's Certified Poultry."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodents, rodent nests, rodent pellets, and rodent-gnawed poultry.

DISPOSITION: March 15, 1944. The defendant having pleaded not guilty, the case came on for trial before a jury. The following facts were stipulated by the counsel for the Government and the defendant:

"1. That the defendant, Wilson & Company, is a corporation duly organized and existing under and by virtue of law.

* See also No. 8861.