LABEL, IN PART: "Hunt's * * * Fancy Spanish Style Tomato Sauce," "C. H. S California Tomato Paste * * * Made by California Conserving Co. Incorporated San Francisco, California," or "Val Vita Fancy Brand Fruit Cocktail * * * Packed for Val Vita Food Co. Main Office San Francisco, California."

NATURE OF CHARGE: Tomato sauce and tomato paste. Adulteration, Section 402 (a) (3), the products consisted in part of decomposed substances by reason of the presence of decomposed tomato material.

Fruit cocktail, 1 lot. Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading, since the product was not of fancy quality, because of the presence of pear core, stems, and peel, and because of an excessive percentage by weight of peach and pear units which were off-size or -shape. Further misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned fruit cocktail, since it contained excessive pear peel; the cherry ingredient was excessively blemished; the product contained units of peach and pear in excess of the size, and varying in shape, from that permitted for canned fruit cocktail; and it failed to bear the substandard legend.

Fruit cocktail, remaining lot. Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned fruit cocktail, since the fill of container of the food was less than 65 percent of the water capacity of the container.

DISPOSITION: October 24, 1947. A plea of nolo contendere having been entered, the defendant was fined $600.

13167. Adulteration of tomato sauce. U. S. v. 1,399 Cases * * *. (F. D. C. No. 15600. Sample No. 17703–H.)

LIBEL FILED: March 19, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 27, 1944, by the Western California Canners, Inc., from Antioch, Calif.

PRODUCT: 1,399 cases, each containing 72 8-ounce cans, of tomato sauce at Chicago, Ill.

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

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 14, 1945. Default decree of condemnation and destruction.

13168. Adulteration of tomato soup. U. S. v. Morgan Packing Co. Plea of guilty. Fine, $2,000. (F. D. C. No. 23292. Sample Nos. 1958–H, 53197–H, 53347–H, 53348–H.)

INFORMATION FILED: August 8, 1947, Southern District of Indiana, against the Morgan Packing Co., a partnership, Austin, Ind.

ALLEGED SHIPMENT: Between the approximate dates of September 17 and October 7, 1946, from the State of Indiana into the States of South Carolina and Ohio.

LABEL, IN PART: "Jackson Brand Condensed Tomato Soup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 30, 1948. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $2,000.

NUTS AND NUT PRODUCTS

13169. Adulteration of brazil nuts. U. S. v. 16 Bags * * * (and 12 other seizure actions). (F. D. C. Nos. 21733, 21772, 21773, 21808 to 21811, incl., 21864, 21964, 21988, 21992, 23952, 24136. Sample Nos. 53972–H, 60076–H, 60522–H, 60524–H, 60525–H, 60529–H to 60532–H, incl., 65452–H, 65455–H, 65459–H, 2205–K, 12006–K.)

LIBELS FILED: Between November 21, 1946, and November 26, 1947, Eastern, Middle, and Western Districts of Pennsylvania, Western District of Kentucky, and District of Maryland.