13325. Adulteration of potatoes. U. S. v. 227 Bags * * *. (F. D. C. No. 24954. Sample No. 7988–K.)

LIBEL FILED: June 17, 1948, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 4, 1948, by the Hastings Potato Growers Assn., from Dunnell, Fla.

PRODUCT: 227 50-pound bags of potatoes at Johnstown, Pa.

LABEL, IN PART: "Moon Lake Brand Florida Potatoes Packed by Vandergriff-Williams Farms Growers and Shippers, Pahokee, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its being unpalatable.

DISPOSITION: July 9, 1948. Default decree of condemnation and destruction.

13326. Adulteration of potato chips. U. S. v. Bernard J. Sterzing (Sterzing Food Co.). Plea of guilty. Fine, $100 and costs. (F. D. C. No. 24541. Sample Nos. 24144–K, 24146–K to 24148–K, incl.).

INFORMATION FILED: April 21, 1948, Southern District of Iowa, against Bernard J. Sterzing, trading as the Sterzing Food Co., Burlington, Iowa.

ALLEGED SHIPMENT: Between the approximate dates of January 3 and 16, 1948, from the State of Iowa into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 1, 1948. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $25 on each of 4 counts of the information, a total fine of $100 and costs.

TOMATOES AND TOMATO PRODUCTS*

13327. Adulteration and misbranding of canned tomatoes. U. S. v. 1,000 Cases * * *. (F. D. C. No. 21987. Sample No. 72910–H.)

LIBEL FILED: January 8, 1947, Western District of Kentucky.

ALLEGED SHIPMENT: On or about September 10, 1946, by the Smith Canning Co., from Fayetteville, Ark. The product when shipped was unlabeled and no written labeling agreement existed between the shipper and the consignee. However, labels were furnished with the shipment to be applied to the product which read "Smith's Beauty Hand Packed Tomatoes Contents 1 lb. 3 oz."

PRODUCT: 1,000 cases, each containing 24 unlabeled cans, of tomatoes at Louisville, Kentucky.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (e) (1), the article 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 (g) (1), it failed to conform to the definition and standard of identity for canned tomatoes, since it contained added water, which is not permitted as an ingredient of canned tomatoes. Further misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes, since it failed to meet the requirements for strength and redness of color, since it contained excessive tomato peel, and since the drained weight of the contents of the container of the article was less than 50 percent of the weight of water required to fill the container; and the label of the article failed to bear a statement, as prescribed by the regulations, that it fell below the standard of quality.

DISPOSITION: April 27, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

13328. Misbranding of canned tomatoes. U. S. v. 2,470 Cases * * *. (F. D. C. No. 22220. Sample No. 40896–H.)

LIBEL FILED: January 27, 1947, Eastern District of Illinois.

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*See also Nos. 13209–13213.