LABEL, WHEN SHIPPED: (Tags) "Canadian Certified Seed Potatoes."

ALLEGED VIOLATION: On or about October 28, 1948, while the potatoes were being held for sale after shipment in interstate commerce, the defendants caused the potatoes to be removed from the bags in which they were shipped in interstate commerce and to be repacked into small bags, labeled, in part, "Maine Potatoes * * * U. S. Grade No. 1 Arroostock Selected * * * Northeast Potato Co. Houlton, Maine," which act resulted in the product being misbranded under Section 403 (a), in that the statements in the label which represented that the potatoes had been grown in the State of Maine were false and misleading since the potatoes had been grown in the Dominion of Canada.

DISPOSITION: June 7, 1949. Pleas of guilty having been entered, each defendant was fined $200.

14938. Misbranding of canned spinach. U. S. v. 35 Cases * * *. (F. D. C. No. 26866. Sample No. 27972-K.)

LIBEL FILED: March 16, 1949, Western District of Tennessee.

ALLEGED SHIPMENT: On or about December 13, 1948, by the River Valley Packing Co., from Atkins, Ark.

PRODUCT: 35 cases, each containing 6 cans, of spinach at Memphis, Tenn.

LABEL, IN PART: "Valley Brand Spinach Packed by Valley Packing Co., Lincoln, Arkansas Contents 6 Lbs. 2 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. (The cans were short-weight.)

DISPOSITION: April 25, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

TOMATOES AND TOMATO PRODUCTS

14939. Adulteration of canned tomatoes. U. S. v. 1,792 Cases * * *. (F. D. C. No. 26245. Sample No. 25450-K.)

LIBEL FILED: December 30, 1948, District of Minnesota.

ALLEGED SHIPMENT: On or about November 4, 1948, by the Orestes Canning Co., Inc., from Elwood, Ind.

PRODUCT: 1,792 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Paul, Minn.

LABEL, IN PART: (Cans) "Good Folks Brand Tomatoes."

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

DISPOSITION: August 30, 1949. Default decree providing for destruction of the product unless properly denatured and disposed of as animal feed.

14940. Adulteration of canned tomatoes. U. S. v. 224 Cases * * *. (F. D. C. No. 26919. Sample No. 41835-K.)

LIBEL FILED: April 7, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 22, 1949, by Brady Tomatoes, Inc., from Martinsville, Ind.

PRODUCT: 224 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Richelieu Whole Tomatoes."

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: May 13, 1949. Default decree of condemnation and destruction.

14941. Adulteration of tomato puree. U. S. v. B. Poggioli & Son. Plea of guilty. Fine of $250 on count 1, imposition of sentence suspended on count 2, and defendant placed on probation for 2 years. (F. D. C. No. 26795. Sample Nos. 9234–K, 9235–K.)

INFORMATION FILED: May 24, 1949, District of New Jersey, against B. Poggioli & Son, a partnership, Vineland, N. J.

ALLEGED SHIPMENT: On or about August 15 and 31, 1948, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Poggioli * * * Fancy Italian Style Tomato Puree Packed in U. S. A. By B. Poggioli & Son Vineland, N. J." or "Au Gourmet * * * Fancy Tomato Puree—Meyer & Lange Distributors—New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), both shipments of the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material, and one shipment also consisted in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: July 22, 1949. A plea of guilty having been entered, the court imposed a fine of $250 on count 1. Imposition of sentence was suspended on count 2, and the defendant was placed on probation for two years.

14942. Adulteration of tomato puree. U. S. v. 471 Cases * * *. (F. D. C. No 26915. Sample No. 45557–K.)

LIBEL FILED: April 6, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about March 10, 1949, by the Calvert Canning Co., from Daleville, Ind.

PRODUCT: 471 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at St. Paul, Minn.

LABEL, IN PART: "Home Brand 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: June 27, 1949. Default decree ordering the product denatured for use as animal feed or destroyed.

14943. Adulteration of tomato puree. U. S. v. 165 Cases * * *. (F. D. C. No. 26872. Sample No. 45552–K.)

LIBEL FILED: March 18, 1949, District of Minnesota.