

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

DISPOSITION: September 2, 1949. A plea of guilty having been entered, the court imposed a fine of \$1,000.

15098. Misbranding of tomato puree. U. S. v. Orestes Canning Co., Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 26318. Sample Nos. 26378-K, 27179-K.)

INFORMATION FILED: February 3, 1949, Southern District of Indiana, against the Orestes Canning Co., Inc., Elwood, Ind.

ALLEGED SHIPMENT: On or about January 21 and March 2, 1948, from the State of Indiana into the State of Illinois.

LABEL, IN PART: "Indiana Chief Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article purported to be and was represented as tomato puree, and it failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: September 2, 1949. A plea of guilty having been entered, the court imposed a fine of \$250.

15099. Supplement to notice of judgment on foods, No. 13678. U. S. v. 382 Cans * * *. (F. D. C. No. 24626. Sample Nos. 6445-K, 6838-K.)

On September 22, 1948, judgment of condemnation was entered against 382 cases of tomato puree, which was misbranded in that the cans of the product contained less than the declared amount. The product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

On May 9, 1949, all but 66 cases of the product having been relabeled, an amended decree was entered authorizing the claimant to sell or otherwise dispose of the 66 cases of tomato puree for the purpose of making it into spaghetti sauce without relabeling the individual cans. Thereafter, the claimant found that it was unable to arrange for such disposition of the 66 cases; and, accordingly, with the consent of the claimant, a further amended decree was entered on September 9, 1949, providing for the delivery of the 66 cases to a charitable institution.

15100. Adulteration and misbranding of pizza sauce (tomato product). U. S. v. Carmine Marcucci (Atlantic Canning Co.). Plea of guilty. Fine, \$250. Defendant placed on probation for 3 years. (F. D. C. No. 26797. Sample Nos. 10104-K, 10105-K.)

INFORMATION FILED: June 3, 1949, District of New Jersey, against Carmine Marcucci, trading as the Atlantic Canning Co., Mays Landing, N. J.

ALLEGED SHIPMENT: On or about September 30 and October 4, 1948, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Marco Brand Italian Style Peeled Tomatoes Pizza Sauce 6 Lbs. 8 Ozs."

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 fly

eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled weight of 6 pounds, 8 ounces.

DISPOSITION: July 22, 1949. A plea of guilty having been entered, the defendant was fined \$250 on count 1. Imposition of sentence was suspended on counts 2, 3, and 4, and the defendant was placed on probation for a three-year period, conditioned that he comply with all requirements and recommendations of the Food and Drug Administration.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15051 TO 15100

PRODUCTS

	N. J. No.		N. J. No.
Apple juice and apple cider	¹ 15052	Flour	15064-15066
Bakery products	² 15060-15063	enriched	15065, 15066
Beans, cocoa	15073	Fruit products	¹ 15052, 15053
mung	15089	Ice cream	15084
yellow-eye	15090	cones	15063
Beer	15051	Macaroni and noodle products	15067-15071
Beverages and beverage mate- rials	¹ 15051-15059	Mung beans	15089
Blueberry pies	15062	Noodles. <i>See</i> Macaroni and noodle products.	
Bread	² 15060, 15061	Perch fillets, frozen	15086
Butter	15081-15083	Pies, blueberry	15062
Candy	15074-15080	Pineapple juice, canned	15053
Cereals and cereal products	² 15060-15071	Pizza sauce (tomato product)	15100
Cheese, Swiss	15085	Potatoes, canned	15095
Cherries, chocolate-coated	15080	Rolls	² 15060
Chocolate and candy	15072-15080	Sea Shells (macaroni)	15067
Cider, apple	¹ 15052	Shellfish. <i>See</i> Fish and shellfish.	
Cocoa beans	15073	Shrimp, frozen	15088
Coffee	15059	Swiss cheese	15085
Cones, ice cream	15063	Tomato(es), canned	15096, 15097
Corn, canned	15091-15094	juice	15054-15058
Crab meat	³ 15087	puree	15098, 15099
Dairy products	15081-15085	Vegetables	15089-15095
Enriched flour	15065, 15066	Vinegar and fermented vinegar stock	¹ 15052
Fish and shellfish	³ 15086-15088	Yellow-eye beans	15090

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Allen, Charles R., Inc.:		Alpine Cheese Co.:	
candy	15077	Swiss cheese	15085
Allied Baking Co.:		American Warehouse Co.:	
bread	15061	mung beans	15089

¹ (15052) Permanent injunction issued.

² (15060) Prosecution contested.

³ (15087) Temporary injunction issued.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15101-15150

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *March 13, 1950.*

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