

17936. Misbranding of canned tomatoes. U. S. v. 117 Cases \* \* \*. (F. D. C. No. 31799. Sample No. 3789-L.)

**LIBEL FILED:** November 1, 1951, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about August 31, 1951.

**PRODUCT:** 117 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Smithfield, N. C.

**LABEL, IN PART:** (Can) "Red-Glo Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel, and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** December 20, 1951. The shipper of the product having admitted the allegations of the libel and having requested that the product be delivered to a charitable institution, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution for its use and not for sale.

17937. Adulteration of tomato catsup. U. S. v. 360 Cases \* \* \*. (F. D. C. No. 31842. Sample No. 7496-L.)

**LIBEL FILED:** September 26, 1951, Western District of New York.

**ALLEGED SHIPMENT:** On or about August 27, 1951, by Hunt Foods, Inc., from Bridgeton, N. J.

**PRODUCT:** 360 cases, each containing 24 14-ounce bottles, of tomato catsup at Buffalo, N. Y.

**LABEL, IN PART:** (Bottle) "Hunt's Tomato Catsup."

**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:** October 22, 1951. Default decree of condemnation and destruction.

17938. Adulteration of tomato juice. U. S. v. Virgil Etchison (New Palestine Canning Co.). Plea of nolo contendere. Fine of \$150, plus costs. (F. D. C. No. 31109. Sample No. 77680-K.)

**INFORMATION FILED:** June 27, 1951, Southern District of Indiana, against Virgil Etchison, trading as the New Palestine Canning Co., New Palestine, Ind.

**ALLEGED SHIPMENT:** On or about October 2, 1950, from the State of Indiana into the State of Missouri.

**LABEL, IN PART:** "Omega Tomato Juice Omega Canning Co. Omega, Ind."

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

**DISPOSITION:** November 23, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$150, plus costs.

17939. Adulteration of tomato puree. U. S. v. 118 Cases, etc. (F. D. C. Nos. 31837, 31838. Sample Nos. 22076-L, 22079-L, 22087-L.)

**LIBEL FILED:** September 28, 1951, Southern District of Alabama.

**ALLEGED SHIPMENT:** On or about July 19, 1951, by the Akin Products Co., from Mission, Tex.

**PRODUCT:** 218 cases, each containing 6 No. 10 cans, of tomato puree at Mobile, Ala.

**LABEL, IN PART:** (Can) "Val-Tex Brand Tomato-Puree \* \* \* Net Contents 6 Lbs. 5 Oz."

**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:** November 2, 1951. Default decree of condemnation and destruction.

**17940. Adulteration of tomato puree. U. S. v. 75 Cases \* \* \*. (F. D. C. No. 31802. Sample No. 25760-L.)**

**LIBEL FILED:** October 19, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 25, 1951, by Morris April Brothers, from Bridgeton, N. J.

**PRODUCT:** 75 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "April Orchards 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:** November 29, 1951. Default decree of condemnation and destruction.

**17941. Adulteration of tomato puree. U. S. v. 69 Cases \* \* \*. (F. D. C. No. 31878. Sample No. 32225-L.)**

**LIBEL FILED:** October 5, 1951, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about July 11, 1951, by the Elsa Canning Co., from Elsa, Tex.

**PRODUCT:** 69 cases, each containing 48 10½-ounce cans, of tomato puree at St. Louis, Mo.

**LABEL, IN PART:** (Can) "Val-Tex Brand Tomato Puree \* \* \* Packed by Akin Products Company, Mission, Texas."

**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.

**DISPOSITION:** October 30, 1951. Default decree of condemnation and destruction.

## POULTRY

**17942. Adulteration of dressed poultry. U. S. v. 2,100 Pounds \* \* \*. (F. D. C. No. 31386. Sample No. 24353-L.)**

**LIBEL FILED:** July 23, 1951, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 9, 1951, by the Delmarva Poultry Corp., from Frankford, Del.

**PRODUCT:** 2,100 pounds of dressed poultry at Newark, N. J.