

DISPOSITION: December 5, 1952. The shipper, claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

19941. Misbranding of canned tomatoes. U. S. v. 382 Cases * * *. (F. D. C. No. 33883. Sample No. 46819-L.)

LIBEL FILED: September 23, 1952, Northern District of Alabama.

ALLEGED SHIPMENT: On or about August 8, 1952, by George H. Robinson, from Cambridge and Springdale, Md.

PRODUCT: 382 cases, each containing 24 cans, of tomatoes at Birmingham, Ala.

LABEL, IN PART: "Pine Cone Brand Tomatoes Contents 1 Lb. 3 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); Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since the drained weight was less than 50 percent of the weight of water required to fill the container and the label failed to bear a statement that the product fell below the standard; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned tomatoes since the fill of the container of the article was less than 90 percent of the total capacity of the container and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: October 29, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

19942. Misbranding of canned tomatoes. U. S. v. 367 Cases * * *. (F. D. C. No. 33884. Sample No. 49174-L.)

LIBEL FILED: September 24, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 5, 1952, by Williamsburg Canning Co., Inc., from Williamsburg, Md.

PRODUCT: 367 cases, each containing 24 1-pound cans, of tomatoes at Brooklyn, N. Y.

LABEL, IN PART: "Williamsburg Brand * * * Tomatoes."

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

DISPOSITION: November 25, 1952. Clifford C. Faulkner of the Williamsburg Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

19943. Adulteration of tomato catsup and canned Crowder peas. U. S. v. Delta Canning Co., Inc., and John E. Frost. Pleas of nolo contendere. Fine of \$500 against corporation and \$200 against individual. (F. D. C. No. 33711. Sample Nos. 13302-L, 34749-L.)

INFORMATION FILED: December 1, 1952, Southern District of Texas, against the Delta Canning Co., Inc., Raymondville, Tex., and John E. Frost, president of the corporation.

ALLEGED SHIPMENT: On or about July 10, 1951, and May 12, 1952, from the State of Texas into the States of New Mexico and Arkansas.

LABEL, IN PART: "Jocko Brand Tomato Catsup" and "Frost Brand Fresh Shelled Frost Brown Crowder Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the tomato catsup consisted in part of a decomposed substance by reason of the presence of decomposed tomato material, and the canned Crowder peas consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: December 1, 1952. Pleas of nolo contendere having been entered, the court fined the corporation \$500 and the individual \$200.

OILS AND FATS

1994. Adulteration and misbranding of table and cooking oil. U. S. v. 27 Cases * * *. Consent decree of condemnation; product ordered released under bond. Motion by Government to forfeit bond overruled. (F. D. C. No. 33152. Sample No. 36222-L.)

LABEL FILED: June 2, 1952, Northern District of Ohio.

ALLEGED SHIPMENT: On or about April 21, 1952, by the Columbus Packing Co., from Chicago, Ill.

PRODUCT: 27 cases, each containing 6 1-gallon cans, of table and cooking oil at Cleveland, Ohio.

LABEL, IN PART: "Columbus Brand * * * An excellent Blend of 80% Corn Oil and 20% Pure Imported Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in part omitted; and, Section 402 (b) (4), a vegetable oil containing less than 20 percent olive oil had been substituted for a blend of 80 percent corn oil and 20 percent olive oil.

Misbranding, Section 403 (a), the label statement "20% Pure * * * Olive Oil" was false and misleading.

DISPOSITION: August 18, 1952. The Central Wholesale Grocery Co., Cleveland, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

On March 19, 1953, the Government filed a motion for the entry of an order forfeiting the bond on the ground that the claimant had not complied with the provisions of the decree in that it had disposed of a portion of the product without relabeling it. On June 19, 1953, the court overruled the motion on the ground that there was nothing to indicate that the court's order for the relabeling of the product had been wilfully violated.

1995. Adulteration and misbranding of chicken fat. U. S. v. 8 Cases * * *. (F. D. C. No. 34040. Sample No. 35856-L.)

LABEL FILED: October 22, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 18, 1952, by the Midwest Food Distributing Co., from Chicago, Ill.

PRODUCT: 8 cases, each containing 12 1-pound jars, of chicken fat at Cincinnati, Ohio.