

ALLEGED SHIPMENT: July 3 and 11, 1951, from the State of New York into the States of Pennsylvania and Ohio.

LABEL, IN PART: "A & P Sauerkraut * * * The Great Atlantic and Pacific Tea Company, New York, N. Y., Distributor."

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

DISPOSITION: January 28, 1952. A plea of guilty having been entered, the court fined the defendant \$500.

19134. Adulteration and misbranding of pickle chips. U. S. v. 494 Cases * * * (F. D. C. No. 31903. Sample No. 11212-L.)

LIBEL FILED: October 18, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 3, 1951, by I. Miller Pickles, Inc., from North Tonawanda, N. Y.

PRODUCT: 494 cases, each containing 4 1-gallon jars, of pickle chips at Cleveland, Ohio.

LABEL, IN PART: "Bertman Sweet Crispy Pickle Chips One-half pint fluid."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for pickle chips.

Misbranding, Section 403 (d), the container was so made, formed, or filled as to be misleading; and, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (Examination disclosed that less than $\frac{3}{4}$ of the volume of the jars contained pickle chips, with the remainder consisting of brine.)

DISPOSITION: September 3, 1952. The shipper, claimant, having admitted that the product was labeled inaccurately, the court entered judgment of condemnation ordering that the product be released under bond to be relabeled in compliance with the law and sold to institutions, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

19135. Adulteration of canned tomatoes. U. S. v. 962 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32302, 32362. Sample Nos. 7220-L, 7226-L.)

LIBELS FILED: December 19, 1951, and January 11, 1952, Western District of Pennsylvania. (Libel of December 19, 1951, amended January 22, 1952.)

ALLEGED SHIPMENT: On or about November 6 and 20 and December 12, 1951, by Howard Canning Co., Inc., from Pendleton, Ind.

PRODUCT: 962 cases and 247 cases, each containing 6 6-pound, 6-ounce cans of tomatoes at Pittsburgh, Pa.

LABEL, IN PART: (962-case-lot) "Premier Hand Packed Tomatoes"; (247-case lot) "Carson Quality Foods Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the 247-case lot consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and the 962-case lot consisted in whole or in part of a