

DISPOSITION: April 22, 1954. Pleas of guilty having been entered, the court imposed a fine of \$500 against the corporation and a fine of \$100 against the individual. A sentence of 1 year in jail against the individual was suspended.

20990. Adulteration of canned sweetpotatoes. U. S. v. 28 Cases * * *. (F. D. C. No. 35706. Sample No. 59781-L.)

LABEL FILED: October 9, 1953, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about September 10, 1953, by H. E. Kelley & Co., Inc., from Norfolk, Va.

PRODUCT: 28 cases, each containing 6 cans, of sweetpotatoes at Durham, N. C.

LABEL, IN PART: (Can) "Kelley's Whole Sweet Potatoes In Syrup Contents 6 Lbs. 6 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 13, 1953. Default decree of condemnation and destruction.

20991. Adulteration of canned sauerkraut. U. S. v. Storey Food Products Co. and James F. Storey. Pleas of guilty. Fine of \$1,000 against each defendant; fine against James F. Storey to be remitted upon payment of fine against corporation. (F. D. C. No. 35835. Sample Nos. 70007-L, 70008-L.)

INFORMATION FILED: June 14, 1954, District of Utah, against the Storey Food Products Co., a corporation, Ogden, Utah, and James F. Storey, president of the corporation.

ALLEGED SHIPMENT: On or about October 27, 1953, from the State of Utah into the State of Idaho.

LABEL, IN PART: (Can) "Big S SauerKraut Made from Crisp White Morgan Cabbage Storey Food Products Co. Growers-Packers-Distributors Ogden, Utah."

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

DISPOSITION: June 30, 1954. The defendants having entered pleas of guilty, the court imposed a fine of \$1,000 against the corporation and \$1,000 against the individual, and ordered that the fine imposed against the individual be remitted upon the payment of the fine against the corporation.

TOMATOES AND TOMATO PRODUCTS

20992. Adulteration of canned tomatoes. U. S. v. Miles A. Brown (Brown Canning Co.). Plea of guilty. Fine \$1,000. Defendant also sentenced to 1 year in jail, which sentence was suspended, and placed on probation for 5 years. (F. D. C. No. 35108. Sample Nos. 53429-L, 54340-L, 66683-L, 66836-L.)

INFORMATION FILED: August 6, 1953, District of Delaware, against Miles A. Brown, trading as the Brown Canning Co., Woodside, Del.

ALLEGED SHIPMENT: On or about August 27 and September 9, 18, and 20, 1952, from the State of Delaware into the States of Illinois, Michigan, and Pennsylvania.

LABEL, IN PART: (Can) "Pride of the Farm Brand Contents 1 Lb. 3 Oz. Tomatoes Thomas Roberts & Co., Inc. Distributors—Not Manufacturers Philadelphia, Pa." and "Contents 1 Lb. 3 Oz. Co-Rel Brand Tomatoes Reliable Grocery Co., Inc. Distributors Phila., Pa."

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 of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: The defendant filed a waiver of jurisdiction and consent to the transfer of the case to the United States District Court for the Southern District of Florida, for purposes of plea and sentence; and, on May 5, 1954, upon defendant's plea of guilty, this court imposed a fine of \$1,000 against the defendant and sentenced him to 1 year in prison, which was suspended, and placed the defendant on probation for 5 years.

20993. Adulteration of canned tomatoes. U. S. v. 414 Cases * * *. (F. D. C. No. 35730. Sample No. 73527-L.)

LIBEL FILED: October 15, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 28, 1953, by J. Richard Phillips, Jr., & Son, Inc., from Magnolia, Del.

PRODUCT: 414 cases, each containing 6 cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: (Can) "Penn Tomatoes Contents 6 pounds 6 ounces."

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, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 5, 1954. Default decree of condemnation and destruction.

20994. Misbranding of tomato paste and tomato puree. U. S. v. Taormina Co. Plea of guilty. Fine, \$300. (F. D. C. No. 35816. Sample Nos. 8595-L, 22449-L, 22450-L.)

INFORMATION FILED: May 3, 1954, Southern District of Texas, against the Taormina Co., a partnership, Donna, Tex.

ALLEGED SHIPMENT: On or about July 18 and October 6, 1953, from the State of Texas into the States of New York and Louisiana.

LABEL, IN PART: (Can) "Tomato Paste Salsadipomidero Polly Brand Contents Six Ounces" and "Buffalo Brand Tomato Puree Net Weight 4¾ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for tomato paste and tomato puree since the tomato paste contained less than 25 percent of salt-free tomato solids and since the tomato puree contained less than 8.37 percent of salt-free tomato solids, the minimums permitted by the definitions and standards.

DISPOSITION: May 10, 1954. The defendant having entered a plea of guilty, the court fined it \$300.