

DISPOSITION: October 15, 1954. The corporation having entered a plea of guilty and the individual having entered a plea of nolo contendere, the court fined the corporation \$150, plus costs, and placed the individual on probation for 6 months.

TOMATOES AND TOMATO PRODUCTS*

21735. Misbranding of canned tomatoes and canned peas. U. S. v. Meyer Mittleman (Keystone Pickling Works). Plea of guilty. Fine, \$1,500. (F. D. C. No. 35139. Sample Nos. 66946-L, 66947-L, 67096-L.)

INFORMATION FILED: October 6, 1953, Eastern District of Pennsylvania, against Meyer Mittleman, trading as the Keystone Pickling Works, Philadelphia, Pa.

ALLEGED VIOLATION: Between the approximate dates of January 11, 1952, and January 23, 1953, while a number of cans of tomatoes and peas were being held for sale at the Keystone Pickling Works, after shipment in interstate commerce, the defendant caused the removal of the labels which were borne on the cans when shipped in interstate commerce and caused new labels to be affixed to such cans, which acts of relabeling resulted in the articles being misbranded.

LABEL, IN PART: (On cans when shipped) "River Farm Brand Tomatoes Contents 1 Lb. 3 Oz. Below Standard In Quality Good Food—Not High Grade Packed By James A. Lewis Avalon, Virginia," "Syco Brand Early June Peas Below Standard In Quality Good Food—Not High Grade Albert W. Sisk and Son Distributors Not Manufacturers Preston, Md. and Aberdeen, Md. U. S. A.," and "Reeves Parvin & Co. Phila., Pa. Distributors Morning Glory Sweet Peas Contents 8½ Oz. Avoir. Reeves Parvin & Co. Philadelphia, Pa. Altoona, Pa. Huntingdon, Pa. Allentown, Pa. Williamsport, Pa. Wilmington, Del.,"; (on relabeled cans) "Net Weight 1 Lb. 3 Oz. Farm Fresh Brand Fancy Hand Packed Tomatoes Trace of Calcium Salt Added Packed By Garden State Canning Co. Hightstown, N. J.," "Net Weight 1 Lb. 3 Oz. Farm Fresh Brand Hand Packed Tomatoes Packed by Garden State Canning Co. Hightstown, N. J.," "Crown of Maryland Tomatoes Contents 1 Lb. 3 Ozs. Distributed—Not Manufactured By Preston Canning Co. Preston, Md. Product of U. S. A.," "Cliff Brand Contents 1 Lb. Wisconsin Early June Peas Size 2 Distributed by Keystone Pickling Works Philadelphia, Pa.," and "Wisconsin Peas Contents 8 Oz. Arlington Canning Company Arlington, Wisconsin Sweet Variety."

NATURE OF CHARGE: Tomatoes. Misbranding, Section 403 (a), the label statement "Packed By Garden State Canning Co. Hightstown, N. J." appearing on a number of the relabeled cans was false and misleading since the article in such relabeled cans was not packed by the Garden State Canning Co., Hightstown, N. J., and the label statement "Fancy Hand Packed Tomatoes" appearing on a number of the relabeled cans was false and misleading since the statement represented and suggested that the article was of fancy quality, whereas it was not of fancy quality but was below standard in quality. Further misbranding, Section 403 (h) (1), the article in the relabeled cans failed to conform to the standard of quality for canned tomatoes because of excessive tomato peel, and the label of the article in the relabeled cans failed to bear a statement that the article fell below such standard.

Peas. Misbranding, Section 403 (a), the label statement "Wisconsin Early June Peas" appearing on a number of the relabeled cans was false and mis-

*See also No. 21748.

leading since the statement represented and suggested that the article was packed in the State of Wisconsin, whereas it was not packed in the State of Wisconsin; and the label statement "Wisconsin Peas * * * Arlington Canning Company Arlington Wisconsin" appearing on a number of the relabeled cans was false and misleading since the statement represented and suggested that the article was packed in the State of Wisconsin by the Arlington Canning Co., Arlington, Wis., whereas the article was not packed in the State of Wisconsin by such company. Further misbranding, Section 403 (h) (1), a portion of the article failed to conform to the standard of quality for canned peas because the alcohol-insoluble solids of the article were more than 23.5 percent, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: March 23, 1954. The defendant having entered a plea of guilty, the court fined him \$1,500.

21736. Adulteration of tomato puree. U. S. v. 100 Cases * * *. (F. D. C. No. 34200. Sample No. 3257-L.)

LIBEL FILED: November 5, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 19, 1952, by Lord-Mott Co., Inc., from Baltimore, Md.

PRODUCT: 100 cases, each containing 48 cans, of tomato puree at Columbus, Ohio.

LABEL, IN PART: (Can) "Iona Tomato Puree Net Wt. 10½ Ozs."

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: June 30, 1953. Lord-Mott Co., Inc., having submitted a letter to the court which was designated as an "answer" to the libel and subsequently having advised that it wished to withdraw from the case, the court entered a default decree of destruction.

21737. Adulteration of tomato puree. U. S. v. 50 Cases * * *. (F. D. C. No. 34137. Sample No. 3260-L.)

LIBEL FILED: November 17, 1952, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 30, 1952, by the W. H. Killian Co., from Baltimore, Md.

PRODUCT: 50 cases, each containing 48 10½-ounce cans, of tomato puree at Jacksonville, Fla.

LABEL, IN PART: (Can) "Iona Tomato Puree."

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: May 25, 1953. Lord-Mott Co., Inc., Baltimore, Md., having appeared as claimant and filed an answer and other pleadings, and later, having withdrawn its claim and consented to the entry of a default decree, judgment of condemnation was entered and the court ordered that the product be destroyed.