9768. Adulteration of sweet mixed pickles. U. S. v. 97 Cases of Sweet Mixed Pickles. Default decree of condemnation and destruction. (F. D. C. No. 16856. Sample No. 29132–H.)

LIBEL FILED: July 23, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about April 26, 1945, by the Metropolitan Pool Car Associates, from New York, N. Y.

PRODUCT: 97 cases, each containing 12 1-quart jars, of sweet mixed pickles at Marysville, Calif. Examination showed that the product was undergoing fermentation.

LABEL, IN PART: "Joy Brand."

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

DISPOSITION: August 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9769. Adulteration of canned spinach. U. S. v. 1,798 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 17089. Sample No. 3226–H.)

LIBEL FILED: August 3, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about June 11, 1945, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 1,798 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Baltimore, Md.

LABEL, IN PART: "Gold Inn Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of sand.

DISPOSITION: September 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9770. Adulteration of frozen squash. U. S. v. 900 Cartons of Squash. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17147. Sample No. 14824–H.)

LIBEL FILED: August 25, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 6, 1945, by the Sacramento Frosted Foods Co., from Sacramento, Calif.

PRODUCT: 900 30-pound cartons of frozen squash at Chicago, Ill. Examination showed that the product was sour and decomposed.

LABEL, IN PART: (Portion) "Calameda Brand Frozen California Banana Squash."

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

DISPOSITION: October 17, 1945. The Sacramento Frosted Foods Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

9771. Adulteration of tomato catsup and tomato puree. U. S. v. Joseph S. Morgan and Ivan C. Morgan (Morgan Packing Co.). Plea of guilty. Fine, $1,000. (F. D. C. No. 16541. Sample Nos. 61766–F, 68282–F, 68291–F, 68767–F, 68798–F, 90540–F.)

INFORMATION FILED: October 26, 1945, Southern District of Indiana, against Joseph S. Morgan and Ivan C. Morgan, partners, trading as the Morgan Packing Co., Austin, Ind.

ALLEGED SHIPMENT: Between the approximate dates of September 20 and November 13, 1944, from the State of Indiana into the States of Alabama, Ohio, and Kentucky.

LABEL, IN PART: "Jackson Brand * * * Tomato Catsup [or "Puree"]," or "Columbus Brand Tomato Catsup Packed By Columbus Packing Co. Columbus, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: December 21, 1945. Pleas of guilty having been entered by, or on behalf of, each defendant, the court imposed a fine of $1,000.

9772. Adulteration and misbranding of Catsup Style Sauce. U. S. v. 552 Cases of Catsup Style Sauce. Default decree of condemnation and destruction. (F. D. C. No. 16437. Sample No. 18245–H.)

LIBEL FILED: June 14, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: On or about January 24 and February 27, 1945, by the Quincy Laboratories, Inc., from Chicago, Ill.

PRODUCT: 552 cases, each containing 24 13-ounce bottles, of Catsup Style Sauce at Des Moines, Iowa. Analysis and factory inspection showed that the product contained about 30 percent tomato material (which is less than catsup contains), together with vinegar, onions, spices, sugar beet fiber, and benzoate of soda. The product was reddish in color and had the consistency, odor, and taste of tomato catsup, and it was packed in a typical catsup bottle.

LABEL, IN PART: "Catsup Style Sauce Contains Tomatoes, Vegetable Pulp, Vinegar, Onions, Sugar, Salt, Spices and Spice Flavorings, U. S. Certified Color and 1/10% Benzoate of Soda."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, tomato material, had been in whole or in part omitted from the article; Section 402 (b) (3), inferiority had been concealed by the use of artificial color; and, Section 402 (b) (4), fibrous material from sugar beet pulp and artificial color had been added to the article and mixed and packed with it so as to increase its bulk, reduce its quality and strength, and make it appear to be tomato catsup, which is better and of greater value than the article was.

Misbranding, Section 403 (g) (1), the product purported to be tomato catsup, for which a definition and standard of identity has been prescribed by the regulations, but it failed to conform to the definition and standard for that product.

DISPOSITION: December 28, 1945. The Quincy Laboratories, Inc., having been permitted by the court to withdraw their answer to the libel, judgment of condemnation was entered and the product was ordered destroyed.

9773. Adulteration of tomato juice. U. S. v. 234 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 17039. Sample No. 10337–H.)

LIBEL FILED: August 14, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 7, 1945, by the Texas Valley Canning Co., from Harlingen, Tex.

PRODUCT: 234 cases, each containing 12 46-ounce cans, of tomato juice at Pittsburg, Pa. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Texas Valley Brand Tomato Juice."

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

DISPOSITION: October 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9774. Misbranding of tomato paste. U. S. v. 20 Cases of Tomato Paste. Default decree of forfeiture. Product ordered delivered to a charitable institution. (F. D. C. No. 16953. Sample No. 27282–H.)

LIBEL FILED: August 4, 1945, District of Idaho.

ALLEGED SHIPMENT: On or about June 6, 1945, by the W. H. Bintz Co., from Salt Lake City, Utah.

PRODUCT: 20 cases, each containing 6 6-pound, 12-ounce cans, of tomato paste at Boise, Idaho.

LABEL, IN PART: "Pleasant Grove Brand Tomato Paste * * * Pleasant Grove Canning Co. Pleasant Grove, Idaho."

NATURE OF CHARGE: Misbranding, Section 403 (g), the article failed to conform to the definition and standard of identity for tomato paste, since it contained less than 25 percent of salt-free tomato solids.