

LABEL, IN PART: "Valley Sun Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas since 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 the standard.

DISPOSITION: April 2, 1951. Littlestown Canning Co., Inc., claimant, having admitted the allegations of the libel, judgment of forfeiture was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

17134. Adulteration of potato chips. U. S. v. Wachusett Potato Chip Co., Inc.
Plea of guilty. Fine, \$100. (F. D. C. No. 29627. Sample Nos. 79459-K,
79460-K.)

INFORMATION FILED: December 12, 1950, District of Massachusetts, against Wachusett Potato Chip Co., Inc., Fitchburg, Mass.

ALLEGED SHIPMENT: On or about May 11, 1950, from the State of Massachusetts into the State of New Hampshire.

LABEL, IN PART: (Bag) "Fresh Wachusett Potato Chips * * * Wachusett Potato Chip Co., Inc. Fitchburg, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of worm-infested potatoes, and of a decomposed substance by reason of the presence of decomposed potatoes.

DISPOSITION: January 23, 1951. A plea of guilty having been entered, the court imposed a fine of \$100 against the corporation.

TOMATOES AND TOMATO PRODUCTS

17135. Adulteration of canned tomatoes. U. S. v. 357 Cases * * *. (F. D. C. No. 29980. Sample No. 59348-K.)

LIBEL FILED: November 9, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 23, 1950, by the New Madison Canning Co., from New Madison, Ohio.

PRODUCT: 357 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Su-Z-Q Favorite Tomatoes."

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: January 24, 1951. Default decree of condemnation and destruction.

17136. Adulteration of canned tomatoes. U. S. v. 130 Cases * * *. (F. D. C. No. 30322. Sample No. 81685-K.)

LIBEL FILED: December 4, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 12, 1950, by the Willow Grove Canning Co., from Vineland, N. J.

PRODUCT: 130 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Primos, Pa.

LABEL, IN PART: (Can) "Florilli Brand Italian Style Peeled Tomatoes."
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: March 28, 1951. Default decree of condemnation and destruction.

17137. Adulteration and misbranding of canned tomatoes. U. S. v. 397 Cases * * * (F. D. C. No. 29792. Sample No. 81899-K.)

LIBEL FILED: October 7, 1950, Western District of South Carolina.

ALLEGED SHIPMENT: On or about September 4, 1950, by C. C. Cole, from Hague, Va.

PRODUCT: 397 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Greenville, S. C.

LABEL, IN PART: (Can) "Cole Brand * * * Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in such definition and standard; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: February 26, 1951. C. C. Cole, claimant, having filed an answer denying that the article was adulterated or misbranded and having subsequently stated that he would not oppose the entry of a decree, judgment of condemnation was entered and the court ordered that the article be delivered to a charitable institution, for use as food for human consumption and not for sale or other disposition.

17138. Misbranding of canned tomatoes. U. S. v. 844 Cases * * * (F. D. C. No. 29776. Sample No. 66953-K.)

LIBEL FILED: October 9, 1950, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about August 18 and 19, 1950, by J. D. Raynor, from Litwalton, Va.

PRODUCT: 844 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Zebulon, N. C.

LABEL, IN PART: (Can) "Jo-Russ Tomatoes Brinkley & Council, Litwalton, Virginia."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of the low drained weight, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: April 11, 1951. Southeastern Brokerage Co., Inc., Wilmington, N. C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.