

17139. Misbranding of canned tomatoes. U. S. v. 650 Cases * * * (F. D. C. No. 29949. Sample No. 70494-K.)

LIBEL FILED: October 24, 1950, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 10, 1950, from Kansas City, Kans. This was a return shipment.

PRODUCT: 650 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Union City, Ind.

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

DISPOSITION: January 10, 1951. The Jaqua Canning Co., Ansonia, Ohio, claimant and canner of the tomatoes, 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.

17140. Adulteration of tomato catsup. U. S. v. 698 Cases * * * (F. D. C. No. 30165. Sample No. 91118-K.)

LIBEL FILED: November 24, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about October 2, 1950, by Columbia Conserve Co., Inc., from Indianapolis, Ind.

PRODUCT: 698 cases, each containing 24 14-ounce bottles, of tomato catsup at St. Paul, Minn.

LABEL, IN PART: "Fairway * * * Tomato Catsup."

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. Consent decree of condemnation. The court ordered that the product be destroyed unless denatured and disposed of for use as animal feed.

17141. Adulteration of tomato puree. U. S. v. Cedar Lake Canning Co., Inc., and Arthur C. Mead, Jr. Pleas of guilty. Corporation fined \$250 and placed on probation for 3 years; individual defendant fined \$250 and placed on probation for 2 years. (F. D. C. No. 26799. Sample Nos. 47988-K, 48077-K, 48078-K.)

INFORMATION FILED: June 1949, District of New Jersey, against Cedar Lake Canning Co., Inc., Cedarville, N. J., and Arthur C. Mead, Jr., secretary-treasurer of the corporation.

ALLEGED SHIPMENT: On or about September 16 and 17, 1948, from the State of New Jersey into the State of Pennsylvania.

LABEL, IN PART: "Cedar Lake Tomato Puree Contents 1 Lb. 12 Oz. Packed By Cedar Lake Canning Co., Inc. Cedarville, New Jersey."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fly eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 29, 1951. Pleas of guilty having been entered, the court fined each defendant \$250 on count 1, suspended the imposition of sentence against the corporation on counts 2 and 3, dismissed counts 2 and 3 against the individual defendant, and placed the corporation on probation for 3 years and the individual defendant for 2 years.

17142. Adulteration of tomato puree. U. S. v. 214 Cases * * *. (F. D. C. No. 29839. Sample No. 81472-K.)

LIBEL FILED: On or about October 25, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about September 25, 1950, by the Penn's Manor Canning Co., from Bristol, Pa.

PRODUCT: 214 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Atlantic City, N. J.

LABEL IN PART: (Can) "Marine Brand 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.

DISPOSITIONS January 31, 1951. Default decree of condemnation and destruction.

NUTS

17143. Adulteration of mixed nuts. U. S. v. 35 Bags * * *. (F. D. C. No. 30212. Sample No. 85019-K.)

LIBEL FILED: December 14, 1950, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 27, 1950, by S & W Fine Foods, Inc., from Modesto, Calif.

PRODUCT: 35 50-pound bags of mixed nuts at Louisville, Ky.

LABEL, IN PART: "Selected Fancy Mixed Nuts Packed By Redwood Food Packing Co., San Francisco, Calif."

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 insect-infested filberts, and it was otherwise unfit for food by reason of the presence of empty filbert shells.

DISPOSITION: February 7, 1951. S & W Fine Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. A total of 256 pounds of unfit nuts was segregated and destroyed.

17144. Misbranding of pistachio nuts. U. S. v. 80 Cases * * *. (F. D. C. No. 30339. Sample No. 92124-K.)

LIBEL FILED: December 12, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about November 28, 1950, by Wm. M. Allison & Co., from New York, N. Y.

PRODUCT: 80 cases, each containing 24 packages, of pistachio nuts at Delawanna, Clifton, N. J.

LABEL, IN PART: (Package) "Regency Brand Pistachio Nuts Net Wt. $\frac{1}{4}$ Lb." The net weight statement " $\frac{1}{4}$ Lb." was overprinted with the statement " $3\frac{1}{2}$ Oz.," but the first statement remained conspicuous, while the overprint was inconspicuous.