

PRODUCT: Tomato juice. 251 cases, each containing 12 unlabeled 46-ounce cans, and 90 cases, each containing 12 1-quart, 14-ounce cans, at Philadelphia, Pa.
LABEL, IN PART: (One lot) "Net Contents 1 Qt. 14 Fl. Oz. Farm Fresh Brand Grade 'A' Fancy Tomato Juice." The remaining lots were unlabeled.

NATURE OF CHARGE: All lots. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rotten tomato material.

Unlabeled lots. Misbranding, Section 403 (e), the product failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the product purported to be tomato juice, a food for which a definition and standard of identity has been prescribed by the regulations, and did not bear a label containing the name of the food specified in the definition and standard.

DISPOSITION: September 14, 1948. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

13706. Misbranding of tomato juice. U. S. v. 1,167 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23040, 23134. Sample Nos. 68048-H, 91333-H, 91347-H.)

LIBELS FILED: May 16 and 23, 1947, District of Nebraska and Southern District of New York.

ALLEGED SHIPMENT: On or about November 14, and December 3, 6, and 10, 1946, by Colo-Flavor Products, Inc., Palisade, Colo.

PRODUCT: Tomato juice. 1,167 cases at Lincoln, Nebr., and 3,150 cases at New York, N. Y. Each case contained 12 cans.

LABEL, IN PART: "Contents 1 Quart 14 Fl. Ozs. Colo-Flavor Brand Tomato Juice with Salt Added Packed and Distributed by Farmers Union Marketing Assn. Denver, Colo." or "Co-Op Tomato Juice * * * Contents 1 Qt. 14 Fl. Oz. Packed For National Co-Operatives Inc. Chicago, Illinois."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 1-quart, 14-fluid ounces.)

DISPOSITION: June 13 and August 15, 1947. Colo-Flavor Products, Inc., claimant, having consented to the entry of the decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

13707. Adulteration of fenugreek tea. U. S. v. 11 Packages, etc. (F. D. C. No. 23345. Sample Nos. 76901-H, 83959-H, 86960-H.)

LIBEL FILED: July 9, 1947, District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of September 1, 1946, and May 27, 1947, by Nutritional Enterprises, from Chicago, Ill.

PRODUCT: Fenugreek tea. 11 4-ounce packages, 17 4-pound packages, and 13 1-pound packages, at Minneapolis, Minn.

LABEL, IN PART: "Lelord Kordel's Fenugreek tea."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and rodent excreta fragments.

DISPOSITION: November 9, 1948. Nutritional Enterprises, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed for use as animal feed, under the supervision of the Food and Drug Administration. The cost of reprocessing having been found by the claimant to be excessive, the product was destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

13708. Adulteration of bakery products. U. S. v. North Side Bakeries, Inc., and Wolf Malinsky and Nathan E. Kaufman. Fines of \$300 against each defendant on count 1; imposition of sentence suspended on counts 2 to 6, inclusive, and all defendants placed on probation for 3 years. (F. D. C. No. 25308. Sample Nos. 25378-K, 25379-K, 25397-K to 25400-K, incl.)

INFORMATION FILED: October 23, 1948, District of Minnesota, against the North Side Bakeries, Inc., a corporation, and Wolf Malinsky, president, and Nathan E. Kaufman, manager and secretary.

ALLEGED SHIPMENT: On or about June 21, 1948, from the State of Minnesota into the States of Wisconsin and Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent hair fragments, insect fragments, and mites; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 13, 1948. Pleas of guilty having been entered, the defendants were each fined \$300 on count 1; sentence was suspended on counts 2 to 6, incl.; and each defendant was placed on probation for 3 years.

13709. Adulteration of bread and buns. U. S. v. J. W. Mootz Bakery, a partnership, and John William Mootz. Pleas of guilty. Fine of \$1,000 against partnership and \$500 against individual. (F. D. C. No. 24505. Sample Nos. 19115-K to 19118-K, incl.)

LABEL FILED: March 8, 1948, Southern District of Ohio, against the J. W. Mootz Bakery, a partnership, Gallipolis, Ohio, and John William Mootz, a partner.

ALLEGED SHIPMENT: On or about November 19, 1947, from the State of Ohio into the State of West Virginia.

LABEL, IN PART: "Mootz's Sandwich Buns," "Whole Wheat Bread," "Kleen-Maid Bread," or "Mootz's Sandwich Loaf."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, and cat hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 1, 1948. Pleas of guilty having been entered, the court imposed a fine of \$250 on each of the 4 counts against the partnership and a fine of \$125 on each of the 4 counts against the individual.