

14655. Misbranding of tomato puree. U. S. v. 699 Cases * * *. (F. D. C. No. 25238. Sample No. 23238-K.)

LIBEL FILED: August 4, 1948, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 6, 1948, by the Taormina Co., from Donna, Tex.

PRODUCT: 699 cases, each containing 100 4 $\frac{3}{4}$ -ounce cans, of tomato puree at Church Point, La.

LABEL, IN PART: "Buffalo Brand Tomato Puree."

NATURE OF CHARGE: Misbranding. Section 403 (g) (1), the product was represented as tomato puree, and it failed to conform to the definition and standard of identity since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: February 5, 1949. The Taormina Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the substandard puree be segregated under the supervision of the Federal Security Agency and delivered to charitable institutions. Of the 661 cases seized, 438 were segregated as substandard and delivered to various charitable institutions.

14656. Adulteration and misbranding of tomato sauce. U. S. v. 208 Cases * * *. (F. D. C. No. 26147. Sample No. 23529-K.)

LIBEL FILED: On or about December 22, 1948, Western District of Louisiana.

ALLEGED SHIPMENT: On or about September 17, 1948, by R. Raspanti & Sons, Crystal Springs, Miss.

PRODUCT: 208 cases, each containing 100 4 $\frac{3}{4}$ -ounce cans, of tomato sauce at Shreveport, La.

LABEL, IN PART: "Baby Brand Tomato Sauce * * * Packed by Crystal Springs Canning Co. Crystal Springs, Miss."

NATURE OF CHARGE: Adulteration. Section 402 (b) (2), an unconcentrated or a slightly concentrated comminuted tomato liquid with added salt and a small amount of spices had been substituted in whole or in part for tomato sauce, an article understood to be a comminuted tomato product, which is more concentrated than this product.

Misbranding, Section 403 (a), the label statement "Tomato Sauce" was false and misleading as applied to an unconcentrated or slightly concentrated comminuted tomato liquid with added salt and a small amount of spices; and, Section 403 (g) (1), the product was represented on the invoice to be tomato puree, a food for which a definition and standard of identity had been prescribed by the regulations, and it failed to conform to such definition and standard since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: February 21, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

14657. Adulteration and misbranding of tomato sauce. U. S. v. 24 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26467, 26468. Sample Nos. 53096-K, 53100-K.)

LIBELS FILED: January 14, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 9 and December 2, 1948, by the Russell Co., from Jackson and Natchez, Miss.

PRODUCT: Tomato sauce. 24 cases at Covington, La., and 41 cases at Franklin, La. Each case contained 100 5 $\frac{3}{4}$ -ounce cans.

LABEL, IN PART: "Carmela Brand Tomato Sauce * * * Distributed by Dixie Canning Co., Inc., Crystal Springs, Mississippi."

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

Misbranding, Section 403 (a), the label statement "Tomato Sauce" was false and misleading as applied to the product which was a slightly concentrated tomato juice containing added starch.

DISPOSITION: March 22 and April 19, 1949. Default decrees of condemnation and destruction.

MEAT AND POULTRY

14658. Adulteration of canned roast beef. U. S. v. 100 Cases * * *. (F. D. C. No. 25254. Sample No. 40637-K.)

LIBEL FILED: On or about August 12, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about August 25, 1947, from Detroit, Mich.

PRODUCT: 100 cases, each containing 9 6-pound cans, of roast beef at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 16, 1948. Default decree of condemnation and destruction.

14659. Alleged adulteration of frozen poultry. U. S. v. J. D. Jewell, Inc. Plea of not guilty. Trial by jury. Verdict of not guilty. (F. D. C. No. 22050. Sample No. 1553-H.)

INFORMATION FILED: April 30, 1947, Northern District of Georgia, against J. D. Jewell, Inc., Gainesville, Ga.

ALLEGED SHIPMENT: On or about October 6, 1946, from the State of Georgia into the State of Florida.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed chickens.

DISPOSITION: April 29, 1948. A plea of not guilty having been entered, the case was tried before a jury; a verdict of not guilty was returned.

NUTS AND NUT PRODUCTS

14660. Adulteration of mixed nuts and brazil nuts. U. S. v. 19 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 24001, 24166. Sample Nos. 3212-K, 12236-K.)

LIBELS FILED: December 3 and 8, 1947, District of Maryland and Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 7 and 23, 1947, by William A. Camp Co., Inc., from New York, N. Y.

PRODUCT: 5 50-pound bags and 40 pounds in bulk of mixed nuts at Baltimore, Md., and 19 100-pound bags of brazil nuts at Wilkes-Barre, Pa.

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