

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), in that the statements "100 Lbs. Net," and "Distributed by Michael Swanson Brady Produce Company Moorhead, Minn. Kansas City, Mo.," borne on the sacks, were false and misleading because the sacks did not each contain 100 pounds of potatoes, but contained a smaller amount, and the product had not been distributed by the Michael Swanson Brady Produce Company of Moorhead, Minn. and Kansas City, Mo.; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** July 20, 1944. The defendants having entered a plea of guilty, the court imposed a fine of \$100 and costs.

#### TOMATOES AND TOMATO PRODUCTS

**6163. Adulteration of canned tomatoes. U. S. v. 347 Cases, 50 Cases, and 59 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 11147. Sample Nos. 47723-F, 47724-F.)**

**LABEL FILED:** On or about November 22, 1943, Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about September 22, 1943, by Louis Kurtz, from Tulsa, Okla.

**PRODUCT:** Tomatoes: 347 cases, each containing 24 cans, and 109 cases, each containing 48 cans, at Fayetteville, Ark.

**LABEL, IN PART:** (Cans) "Staff-O-Life Brand \* \* \* Distributed by Cannery Exchange Inc., Springfield, Mo.," or "Big League Brand Tomatoes."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance, was contaminated with viable micro-organisms, and was undergoing progressive decomposition.

**DISPOSITION:** September 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6164. Adulteration of tomato juice. U. S. v. Wallace W. Dale (Orleans County Canning Co.). Plea of guilty. Fine of \$200 on count 1; fines of \$200 each on counts 2 and 3 suspended. (F. D. C. No. 10621. Sample Nos. 19629-F, 20275-F, 35503-F.)**

**INFORMATION FILED:** On January 17, 1944, in the Western District of New York, against Wallace W. Dale, trading as the Orleans County Canning Co., Albion, N. Y.

**ALLEGED SHIPMENT:** On or about January 25 and May 15, 1943, from the State of New York into the States of Massachusetts and North Carolina.

**LABEL, IN PART:** "Dale Brand \* \* \* Tomato Juice \* \* \* Packed by Orleans County Canning Co. Barre Center, N. Y." "Stuart \* \* \* Tomato Juice \* \* \* Packed For M. Stoll & Co., Boston, Mass., Distributors," or "Iona Tomato Juice \* \* \* The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed tomato material.

**DISPOSITION:** June 12, 1944. A plea of guilty was entered, and on June 26, 1944, the defendant was fined \$200 on count 1, and fines of \$200 each on counts 2 and 3 were suspended.

**6165. Adulteration and misbranding of tomato paste. U. S. v. 20 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 12163. Sample No. 51996-F.)**

**LABEL FILED:** April 10, 1944, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about December 2, 1943, by the Orleans County Canning Co., from Albion, N. Y.

**PRODUCT:** 20 cases, each containing 100 cans, of tomato paste, at Newtonville, Mass.

**LABEL, IN PART:** "Dale King Packed Tomato Paste With Basil."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403(g) (1), it purported to be and was represented as tomato paste, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the definition and standard since it contained less than 25 percent of salt-free solids.

**DISPOSITION:** June 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.