

short-weight; and, Section 403 (e) (2), the product was in package form and its label failed to bear an accurate statement of the quantity of the contents.

**DISPOSITION:** October 9, 1944. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$10 was imposed.

**8054. Adulteration of fried shoestring potatoes. U. S. v. The Spudette Co. Plea of nolo contendere. Fine, \$100.** (F. D. C. No. 12620. Sample Nos. 70632-F, 70634-F.)

**INFORMATION FILED:** January 12, 1945, Northern District of California, against the Spudette Co., a partnership, San Francisco, Calif.

**ALLEGED SHIPMENT:** On or about February 12, 1944, from the State of California into the State of Washington.

**LABEL, IN PART:** "Spudette Shoestring Potatoes."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of whole insects, insect fragments, insect-tunnelled potatoes, and insect excreta pellets; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 9, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

**8055. Adulteration of sweet relish. U. S. v. 47 Cases and 8¼ Cases of Sweet Relish. Default decree of condemnation and destruction.** (F. D. C. No. 13969. Sample Nos. 80131-F, 80793-F.)

**LIBEL FILED:** October 20, 1944, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 24, 1944, by the Kokomo Packing Co., from Kokomo, Ind.

**PRODUCT:** 47 cases, each containing 12 24-ounce jars, and 8¼ cases, each containing 24 16-ounce jars, of sweet relish at Champaign, Ill.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance as evidenced by mold.

**DISPOSITION:** February 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### TOMATOES AND TOMATO PRODUCTS\*

**8056. Adulteration of tomato juice. U. S. v. 766 Cases of Tomato Juice. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 12850. Sample No. 61566-F.)

**LIBEL FILED:** July 3, 1944, Western District of Texas.

**ALLEGED SHIPMENT:** On or about February 7, 1944, by the National Fruit Products, Inc., from Olive, Calif.

**PRODUCT:** 766 cases, each containing 12 cans, of tomato juice at Austin, Tex.

**LABEL, IN PART:** (Cans) "Contents 1 Qt. 14 Fl. Oz. Del Haven Brand Tomato Juice Seasoned with Salt Packed for Federated Foods Inc. San Francisco, Calif. Chicago, Ill."

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

**DISPOSITION:** December 18, 1944. The John Bremond Co., Austin, Tex., having appeared as claimant and consented to the entry of the decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good portion be separated from the bad, and that both portions be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

**8057. Misbranding of fresh tomatoes. U. S. v. Otto J. Krause and Fred Scherzer (Midland Produce Co.). Plea of nolo contendere. Fine, \$250.** (F. D. C. No. 14275. Sample Nos. 58278-F, 69255-F, 69413-F.)

**INFORMATION FILED:** May 9, 1945, District of Colorado, against Otto J. Krause and Fred Scherzer, trading as the Midland Produce Co., a partnership, at Denver, Colo.

**ALLEGED SHIPMENT:** On or about June 9 and 27 and May 24, 1944, from the State of Colorado into the States of Wyoming and Kansas.

\*See also No. 8046.

**LABEL, IN PART:** (Cartons) "Tomatoes 10 Lbs. Net"; (boxes) "Blue Goose Texas Tomatoes \* \* \* Net Weight 30 Lbs.," or "Our Very Best Grade Tomatoes Net Weight When Packed 30 Lbs."

**VIOLATION CHARGED:** Misbranding, Section 403 (e) (2), the product was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents, since the cartons and boxes contained less than the declared weight.

**DISPOSITION:** June 2, 1945. The defendant, Krause, having entered a plea of nolo contendere, the court imposed a fine of \$50 on each of the 5 counts, a total fine of \$250.

**8058. Adulteration of tomato puree. U. S. v. Butterfield Canning Co. Plea of guilty. Fine, \$200.** (F. D. C. No. 12577. Sample Nos. 4157-F, 67348-F.)

**INFORMATION FILED:** October 24, 1944, Southern District of Indiana, against the Butterfield Canning Co., a corporation, Muncie, Ind.

**ALLEGED SHIPMENT:** On or about November 3 and 8, 1943, from the State of Indiana into the States of Ohio and Kentucky.

**LABEL, IN PART:** "Butterfield Brand [or "Indiano Brand"] Tomato Puree."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of excessive mold, rot fragments, and vinegar fly eggs.

**DISPOSITION:** December 2, 1944. A plea of guilty having been entered on behalf of the defendant, a fine of \$200 was imposed.

**8059. Adulteration of tomato puree. U. S. v. Zion's Cooperative Mercantile Institution (Zion's Wholesale Grocery). Plea of guilty. Fine, \$25.** (F. D. C. No. 12619. Sample No. 15794-F.)

**INFORMATION FILED:** November 22, 1944, District of Utah, against Zion's Cooperative Mercantile Institution, a corporation trading as Zion's Wholesale Grocery, Ogden, Utah.

**ALLEGED SHIPMENT:** On or about January 22, 1943, from the State of Utah into the State of Idaho.

**LABEL, IN PART:** "Smith Brand Tomato Puree \* \* \* Packed by Smith Canning Co. Clearfield, Utah."

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

**DISPOSITION:** January 10, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$25 was imposed.

**8060. Adulteration of tomato sauce. U. S. v. Rosario Raspanti. Plea of guilty. Fine, \$100.** (F. D. C. No. 10642. Sample Nos. 9954-F, 9959-F, 10282-F.)

**INDICTMENT RETURNED:** May 3, 1944, Southern District of Mississippi, against Rosario Raspanti, trading as the Uddo & Taormina Co., Crystal Springs, Miss.

**ALLEGED SHIPMENT:** Between the approximate dates of February 24 and July 20, 1942, from the State of Mississippi into the State of Louisiana.

**LABEL, IN PART:** "Baby Brand Tomato Sauce Distributed By Uddo & Taormina Company Crystal Springs, Miss."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, i. e., moldy and decomposed tomato tissues.

**DISPOSITION:** August 25, 1944. A plea of guilty having been entered, the defendant was fined \$100.

**8061. Adulteration of tomato soup. U. S. v. 432 Cases and 50 Cases of Tomato Soup. Decrees of condemnation and destruction.** (F. D. C. Nos. 9506, 10073. Sample Nos. 29059-F, 28960-F.)

**LABEL FILED:** March 9 and June 9, 1943, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about January 18 and February 3, 1943, by the Phillips Sales Co., Inc., from Cambridge, Md.

**PRODUCT:** 432 cases and 50 cases, each containing 48 10½-ounce cans, of tomato soup, at Atlanta, Ga.

**LABEL, IN PART:** "Phillips Delicious \* \* \* Tomato Soup."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance as evidenced by the presence of mold.