

Misbranding (1 lot only), Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it purported to be and was represented as tomato puree, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: March 20, 1947. Pleas of guilty having been entered, the court imposed fines of \$250 against the partnership defendant and \$5.00 against each of the three individual defendants.

11261. Adulteration of tomato puree. U. S. v. St. Marys Packing Co. Plea of guilty. Fine, \$100. (F. D. C. No. 20110. Sample Nos. 28258-H, 31524-H.)

INFORMATION FILED: July 3, 1946, against the St. Marys Packing Co., a corporation, St. Marys, Ohio.

ALLEGED SHIPMENT: On or about March 2 and 3, 1945, from the State of Ohio into the States of Washington and California.

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

DISPOSITION: November 12, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

11262. Adulteration and misbranding of tomato puree. U. S. v. 139 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 20056, 21803, 22324. Sample Nos. 25899-H, 35807-H, 57268-H.)

LIBELS FILED: June 5 and December 3, 1946, and February 28, 1947, District of Colorado, Eastern District of Missouri, and District of Massachusetts.

ALLEGED SHIPMENT: On or about November 19, 1945, and October 21 and 26, 1946, by Flotill Products, Inc., from Modesto and Stockton, California.

PRODUCT: Tomato puree. 139 cases, each containing 6 6-pound, 9-ounce cans, at Denver, Colo.; 249 cases, each containing 24 1-pound, 12-ounce cans, at St. Louis, Mo.; and 99 cases, each containing 24 1-pound, 12-ounce cans, at Springfield, Mass. Examination showed that the St. Louis and Springfield lots were short-weight and that the Denver lot contained decomposed tomato material.

LABEL, IN PART: "Flotta Tomato Puree Contents 1 Lb. 12 Ozs. [or "Contents 6 Lbs. 9 Oz."]."

NATURE OF CHARGE: Denver lot. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

St. Louis and Springfield lots. Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: July 30, 1946, and February 28 and May 20, 1947. Flotill Products, Inc., Stockton, Calif., claimant for the St. Louis and Springfield lots, having consented to the entry of decrees, and no claimant having appeared for the Denver lot, judgments of condemnation were entered. The Denver lot was ordered destroyed; and the St. Louis and Springfield lots were ordered released under bond, conditioned that they be brought into compliance with the law, under the supervision of the Federal Security Agency. The latter lots were relabeled.

11263. Adulteration of tomato puree. U. S. v. 3,000 Cases * * *. (F. D. C. No. 20365. Sample Nos. 58623-H, 58624-H, 58677-H, 58678-H.)

LIBEL FILED: July 8, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about October 25 and 26, 1945, by the St. Claire Packing Co., from San Jose, Calif.

PRODUCT: 3,000 cases, each containing 6 No. 10 cans, of tomato puree at Portland, Oreg.

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: October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11264. Misbranding of tomato puree. U. S. v. 115 Cases * * *. (F. D. C. No. 20048. Sample No. 59011-H.)

LIBEL FILED: May 29, 1946, District of Montana.

ALLEGED SHIPMENT: On or about March 5, 1946, by the Valley Food Co., from Donna, Tex.

PRODUCT: 115 cases, each containing 100 4¾-ounce cans, of tomato puree at Great Falls, Mont.

LABEL, IN PART: "Del-I-Pak Brand Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity established by the regulations, since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the standard.

DISPOSITION: October 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11265. Adulteration of tomato sauce. U. S. v. 200 Cases and 199 Cases * * *. (F. D. C. Nos. 18978, 19008. Sample Nos. 29514-H, 46801-H.)

LIBELS FILED: January 14 and 28, 1946, District of Puerto Rico.

ALLEGED SHIPMENT: On or about December 18, 1945, by the Banton Corp., from San Francisco, Calif.

PRODUCT: 399 cases, each containing 72 8-ounce cans, of tomato sauce at San Juan, Puerto Rico.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Spanish Style Tomato Sauce * * * Packed By Hunt Brothers Packing Company [or "Hunt Foods Inc.]" * * * San Francisco Calif."

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: April 29, 1947. No claim or answer having been filed, judgments of forfeiture were entered and the product was ordered destroyed.

MEAT AND POULTRY

11266. Adulteration and misbranding of frozen frog legs. U. S. v. 344 Packages * * *. (F. D. C. No. 20013. Sample No. 60388-H.)

LIBEL FILED: May 17, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about April 27, 1946, by Morris Fisheries, Inc., from Chicago, Ill.

PRODUCT: 344 12-ounce packages of frozen frog legs at Buffalo, N. Y.

LABEL, IN PART: "Frog Legs * * * Produced by Melver, Incorporated, Sebastian, Florida."

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 viscera and of a putrid substance by reason of the presence of putrid frog legs; and, Section 402 (b) (2), portions of the back and head had been substituted in part for frog legs.

Misbranding, Section 403 (a), the designation "Frog Legs" was false and misleading as applied to the article, which contained portions of the back and head.

DISPOSITION: June 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11267. Adulteration of poultry. U. S. v. The Cudahy Packing Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 20184. Sample No. 6120-H.)

INFORMATION FILED: November 15, 1946, Southern District of Iowa, against the Cudahy Packing Co., a corporation, trading at Winfield, Iowa.

ALLEGED SHIPMENT: On or about October 18, 1945, from the State of Iowa into the State of New York.