

LABEL, IN PART: "Hunt's * * * Fancy Spanish Style Tomato Sauce," "C. H. S. California Tomato Paste * * * Made by California Conserving Co. Incorporated San Francisco, California," or "Val Vita Fancy Brand Fruit Cocktail * * * Packed for Val Vita Food Co. Main Office San Francisco, California."

NATURE OF CHARGE: Tomato sauce and tomato paste. Adulteration, Section 402 (a) (3), the products consisted in part of decomposed substances by reason of the presence of decomposed tomato material.

Fruit cocktail, 1 lot. Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading, since the product was not of fancy quality, because of the presence of pear core, stems, and peel, and because of an excessive percentage by weight of peach and pear units which were off-size or -shape. Further misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned fruit cocktail, since it contained excessive pear peel; the cherry ingredient was excessively blemished; the product contained units of peach and pear in excess of the size, and varying in shape, from that permitted for canned fruit cocktail; and it failed to bear the substandard legend.

Fruit cocktail, remaining lot. Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned fruit cocktail, since the fill of container of the food was less than 65 percent of the water capacity of the container.

DISPOSITION: October 24, 1947. A plea of nolo contendere having been entered, the defendant was fined \$600.

13167. Adulteration of tomato sauce. U. S. v. 1,399 Cases * * *. (F. D. C. No. 15600. Sample No. 17703-H.)

LIBEL FILED: March 19, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 27, 1944, by the Western California Cannery, Inc., from Antioch, Calif.

PRODUCT: 1,399 cases, each containing 72 8-ounce cans, of tomato sauce at Chicago, Ill.

LABEL, IN PART: "S and W Tomato Sauce Spanish Style"

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: June 14, 1945. Default decree of condemnation and destruction.

13168. Adulteration of tomato soup. U. S. v. Morgan Packing Co. Plea of guilty. Fine, \$2,000. (F. D. C. No. 23292. Sample Nos. 1958-H, 53197-H, 53347-H, 53348-H.)

INFORMATION FILED: August 8, 1947, Southern District of Indiana, against the Morgan Packing Co., a partnership, Austin, Ind.

ALLEGED SHIPMENT: Between the approximate dates of September 17 and October 7, 1946, from the State of Indiana into the States of South Carolina and Ohio.

LABEL, IN PART: "Jackson Brand Condensed Tomato Soup."

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

DISPOSITION: April 30, 1948. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$2,000.

NUTS AND NUT PRODUCTS

13169. Adulteration of brazil nuts. U. S. v. 16 Bags * * * (and 12 other seizure actions). (F. D. C. Nos. 21733, 21772, 21773, 21808 to 21811, incl., 21864, 21964, 21988, 21992, 23952, 24136. Sample Nos. 53972-H, 60076-H, 60522-H, 60524-H, 60525-H, 60529-H to 60532-H, incl., 65452-H, 65455-H, 65459-H, 2205-K, 12006-K.)

LIBELS FILED: Between November 21, 1946, and November 26, 1947, Eastern, Middle, and Western Districts of Pennsylvania, Western District of Kentucky, and District of Maryland.

ALLEGED SHIPMENT: Between the approximate dates of September 20, 1946, and October 30, 1947, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: Brazil nuts. 675 100-pound bags, 42 40-pound baskets, 39 40-pound bags, and 84 40-pound boxes at Pittsburgh, Erie, Philadelphia, and Harrisburg, Pa., Louisville, Ky., and Baltimore, Md.

LABEL, IN PART: "Holly Brand * * * Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), all lots consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed nuts; some lots consisted also of a filthy substance by reason of the presence of insect-infested nuts, and some lots were otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: January 3, 1947. No claimant having appeared for 47 bags and baskets of the product at Pittsburgh and 15 baskets at Erie, judgments of condemnation were entered and the product was ordered destroyed. Between December 17, 1946, and December 16, 1947, Wm. A. Higgins & Co., Inc., claimant for the remaining lots, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

13170. Adulteration and misbranding of peanut butter and adulteration of prepared mustard. U. S. v. 11 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 23822, 24173. Sample Nos. 214-K, 637-K, 18712-K to 18714-K, incl.)

LIBELS FILED: On or about October 23 and December 19, 1947, Western District of Kentucky and Northern District of Georgia.

ALLEGED SHIPMENT: Between the approximate dates of August 4 and September 26, 1947, by the Fletcher-Wilson Coffee Co., from Nashville, Tenn.

PRODUCT: 37 cases, each containing 24 1-pound jars, 19 cases, each containing 24 8½-ounce jars, and 23 cases, each containing 12 2-pound jars, of peanut butter, and 4 cases, each containing 24 1-gallon jars, of prepared mustard at Franklin, Ky.; and 11 cases, each containing 24 1-pound jars, of peanut butter, and 9 cases, each containing 12 2-pound jars, of prepared mustard at La Fayette, Ga.

LABEL, IN PART: (Portions) "Luxury Peanut Butter 1 Lb. Net," "Luxury Peanut Butter Nutty Grind," or "Justice Prepared Mustard and Mustard Bran."

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 rodent excreta fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), (11-case lot of peanut butter at La Fayette, Ga.) the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was labeled "1 Lb. Net," whereas the jars contained less than 1 pound.)

DISPOSITION: February 4 and March 1, 1948. Decrees of condemnation and destruction.

13171. Misbranding of peanut butter. U. S. v. 5 Cases * * *. (F. D. C. No. 24502. Sample No. 26049-K.)

LIBEL FILED: March 22, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 20, 1948, by the J. H. Erbrich Products Co., from Indianapolis, Ind.

PRODUCT: 5 cases, each containing 12 jars, of peanut butter at St. Louis, Mo.

LABEL, IN PART: "Laurel Brand Peanut Butter Net. Wt. 2 Lb."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: April 21, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.