

19082. Misbranding of fresh mushrooms. U. S. v. M. Gigliotti & Son. Plea of guilty. Fine, \$100. (F. D. C. No. 32769. Sample Nos. 26232-L, 26655-L.)

INFORMATION FILED: April 22, 1952, Eastern District of Pennsylvania, against M. Gigliotti & Son, a partnership, Avondale, Pa.

ALLEGED SHIPMENT: On or about November 19, 1951, and January 3, 1952, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: "3 Lbs. Net Avondale, Penna. Special Perrich Bros. Inc. * * * New York."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets containing the mushrooms contained less than the labeled 3 pounds.

DISPOSITION: May 15, 1952. The defendant having entered a plea of guilty, the court fined him \$100.

19083. Adulteration of canned peas. U. S. v. 714 Cases * * *. (F. D. C. No. 33120. Sample No. 46263-L.)

LIBEL FILED: May 6, 1952, Northern District of Alabama.

ALLEGED SHIPMENT: On or about July 26, 1951, by the Lincoln Canning Co., from Merrill, Wis.

PRODUCT: 714 cases, each containing 24 1-pound, 1-ounce cans, of peas at Birmingham, Ala.

LABEL, IN PART: "Lincoln Brand Wisconsin Early June Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (The product was decomposed.)

DISPOSITION: June 16, 1952. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

19084. Misbranding of canned tomatoes. U. S. v. 726 Cases * * *. (F. D. C. No. 33310. Sample No. 3910-L.)

LIBEL FILED: On or about June 23, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about May 31, 1952, by James A. Lewis, from Avalon, Va.

PRODUCT: 726 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Baltimore, Md.

LABEL, IN PART: "Briar Farm Brand."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: July 22, 1952. The shipper, claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by relabeling, under the supervision of the Food and Drug Administration.