

**25234. Canned tomatoes.** (F.D.C. No. 41984. S. No. 26-903 P.)

QUANTITY: 697 cases, 24 1-lb. cans each, at St. Paul, Minn.

SHIPPED: 6-8-58, from Edcouch, Tex., by G. O. McDaniel Co.

LABEL IN PART: (Can) "House of George Brand Tomatoes."

LIBELED: 8-14-58, Dist. Minn.; libel amended 8-20-58.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard for canned tomatoes with respect to strength and redness of color and because of excessive tomato peel and blemishes, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 12-11-58. Default—delivered to various charitable institutions, for food purposes only.

**25235. Tomato juice.** (F.D.C. No. 42022. S. Nos. 73-379 M, 19-373 P, 19-377 P.)

INFORMATION FILED: 9-25-58, Dist. Colo., against Kuner-Empson Co., a corporation, Brighton, Colo., and Charles W. Nolin, superintendent of the corporation's plant at Loveland, Colo.

ALLEGED VIOLATIONS: On 9-3-40, the defendant corporation gave to a firm engaged in the business of shipping tomato juice in interstate commerce, a guaranty to the effect that tomato juice delivered by the corporation under the guaranty would not be adulterated.

Between 10-8-57 and 10-15-57, the corporation caused to be delivered to the holder of the guaranty at Denver, Colo., a quantity of tomato juice which was adulterated. In addition, on 2-21-58 and 3-6-58, the corporation and the individual defendant caused to be introduced and delivered for introduction into interstate commerce, for delivery to Liberal, Kans., and Amarillo, Tex., a number of cans of tomato juice which was adulterated.

LABEL IN PART: (Can) "KUNER'S TOMATO JUICE DISTRIBUTED BY KUNER-EMPSON COMPANY BRIGHTON, COLO. CONTENTS 13½ FL. OZ."

CHARGE: 402(a)(3)—contained decomposed tomato material.

PLEA: Guilty.

DISPOSITION: 11-21-58. Corporation—fined \$1,200; individual—fined \$50.

## OILS AND FATS

**25236. Table and cooking oil.** (F.D.C. No. 41184. S. Nos. 62-856 M, 62-858 M, 62-942 M, 62-957 M.)

INFORMATION FILED: 6-20-58, E. Dist. N.Y., against John V. Lucci, t/a Lucci Sales Co., Brooklyn, N.Y.

ALLEGED VIOLATION: On 3-15-57, while quantities of corn oil were being held for sale after shipment in interstate commerce, the defendant caused quantities of the corn oil to be packed into cans labeled "One Gallon Pure Olive Oil Superfine Casa Reale Brand 100% Pure Imported Olive Oil" or "Extra Fine Cielo Celeste Brand Contents One Gallon Net Composed of 75% Choice Peanut & Corn Oils 25% Pure Imported Olive Oil," which act resulted in the article being adulterated and misbranded.

It was also charged that on 12-7-56 and 3-28-57, the defendant shipped to New Jersey and Connecticut, quantities of such oil packed under the Cielo Celeste brand.