

LIBELED: 11-7-63, W. Dist. Okla.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-12-63. Default—destruction.

29374. Cucumber pickles and pickled peppers. (F.D.C. No. 47116. S. Nos. 38-076 R, 69-775 R, 80-168/70 R.)

INFORMATION FILED: 6-29-62, E. Dist. Pa., against Walter C. Becker, t/a Walbeck Foods, Kennett Square, Pa.

ALLEGED VIOLATIONS: Between 12-28-60 and 2-10-61, the defendant caused to be given to a firm engaged in the business of shipping pickle products in interstate commerce, two invoices containing guarantees to the effect that the pickled peppers described in the invoices and shipped by the defendant were not adulterated or misbranded, which guarantees were false since the pickled peppers were adulterated.

In addition on 5-9-61, the defendant shipped from Kennett Square, Pa., to Kearny, N.J., a quantity of adulterated pickled peppers, and quantities of misbranded sweet cucumber pickles.

LABEL IN PART: (Jars) "Acme Ideal Pickles HOT PEPPERS Contains: Peppers, Salt, Vinegar, Spices Distributed by: American Stores Co., Philadelphia, Pa. 1 fluid pint"; and "Acme Ideal Pickles FRESH CUCUMBER SWEET Contains: Cucumbers, Sugar, Vinegar, Salt, Spices, Onions, Alum, Turmeric Distributed by: American Stores Co., Philadelphia, Pa. 15 fluid ounces [or "1 pint 12 fl. ounces"]."

CHARGE: 402(a)(3)—the pickled peppers contained maggots, mites, thrips, insects, insect parts, fly eggs, corn borer larvae parts, and cat hair; and 403(k)—the sweet cucumber pickles contained a chemical preservative, benzoate of soda, and failed to bear labeling stating such fact.

PLEA: Guilty.

DISPOSITION: 1-3-63. \$1,000 fine.

TOMATOES AND TOMATO PRODUCTS

29375. Canned tomatoes. (F.D.C. No. 49128. S. Nos. 42-622/4 X.)

QUANTITY: 1,001 cases, each containing 6 No. 10 cans, at Philadelphia, Pa.

SHIPPED: Between 3-21-63 and 5-23-63, from Cherry Hill, N.J., by Eastern Cannery.

LABEL IN PART: (Case) "Ex. Std. Tomatoes."

LIBELED: 7-25-63, E. Dist. Pa.

CHARGE: 403(h)(1)—when shipped, the article fell below the standard of quality for canned tomatoes, since the article contained tomato peel, per pound of canned tomatoes in the container, which covered an area of more than 1 square inch and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 8-16-63. Consent—claimed by Ridge Canning Co., Inc., Glassboro, N.J., and released under bond for relabeling.

29376. Canned tomatoes. (F.D.C. No. 49374. S. No. 5-513 X.)

QUANTITY: 1,996 cases, each containing 24 1-lb. cans, at Bangor, Maine.