

2754. Misbranding of canned tomatoes. U. S. v. 298 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4953. Sample No. 22173-E.)

Examination showed that this product was not Fancy because of the mushy condition of the tomatoes, lack of uniformity of color, and presence of peel and core.

On June 18, 1941, the United States attorney for the District of New Jersey filed a libel against 298 cases of canned tomatoes at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 9, 1941, by Turlock Cooperative Growers from Modesto, Calif.; and charging that it was misbranded. It was labeled in part: "Madonna Fancy Solid Pack Peeled Tomatoes * * * Packed by Riverbank Canning Company, Riverbank, California."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the mushy condition of the tomatoes, lack of uniformity of color, and presence of peel and core.

On October 29, 1941, the Riverbank Canning Co. of New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled under the supervision of the Food and Drug Administration.

OTHER FRUIT AND VEGETABLE PRODUCTS

2755. Adulteration of apple butter. U. S. v. 8 Cases and 343 Cases of Apple Butter. Default order of destruction. (F. D. C. No. 5633. Sample Nos. 57838-E, 57839-E.)

Examination showed that this product contained rodent hairs and insect fragments.

On September 5, 1941, the United States attorney for the Southern District of Illinois filed a libel against 351 cases of apple butter at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about June 4 and 6, 1941, by Fan C Foods, Inc., and by Chris Hoerr & Son from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Polly Ann Pure Apple Butter" or "Live-Well Brand Pure Apple Butter."

On November 26, 1941, no claimant having appeared, on motion of the United States attorney the court ordered the United States marshal to destroy the product.

2756. Adulteration of apple butter. U. S. v. 133 Cases and 8 Cases of Apple Butter. Default decrees of condemnation and destruction. (F. D. C. No. 5790. Sample No. 49115-E.)

Examination showed this product to contain rodent hairs and insect fragments.

On September 20 and October 22, 1941, the United States attorney for the Western District of Texas filed libels against 141 cases of apple butter at Austin, Tex., which had been consigned by Fan C Foods, Inc., alleging that the article had been shipped in interstate commerce on or about June 8, 1941, from St. Louis, Mo.; and charging that it was adulterated. It was labeled in part: (Jars) "Magnolia Brand Pure Apple Butter."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 27, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2757. Adulteration of prune butter. U. S. v. 3 Pails of Prune Butter. Default decree of condemnation and destruction. (F. D. C. No. 6244. Sample No. 64372-E.)

Examination showed that this product contained rodent hairs and insect fragments.

On November 18, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 3 pails, each containing 55 pounds, of prune butter at Pittsburgh, Pa., alleging that the article had been shipped on or about October 24, 1941, by Henry & Henry, Inc., from Buffalo, N. Y.; and charging that it was adulterated. It was labeled in part: "H&H Prune Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.