

5378. Adulteration and misbranding of tomato puree. U. S. v. Jacob Lutz (Lutz Canning Co.). Plea of guilty. Fine, \$300. (F. D. C. No. 9675. Sample No. 1898-F.)

This product contained mold, indicating the presence of decomposed material. The cans containing the product were unlabeled.

On September 15, 1943, the United States attorney for the Southern District of Ohio filed an information against Jacob Lutz, trading at Arcanum, Ohio, under the firm name Lutz Canning Co., alleging shipment on or about November 11, 1942, from the State of Ohio into the State of Illinois of a quantity of canned tomato puree that was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. It was alleged to be misbranded in that it was in package form and (a) did not bear a label containing the name and place of business of the manufacturer, packer or distributor; and (b) did not bear a label containing an accurate statement of the quantity of the contents, since the cans bore no statement of the quantity of the contents. It was alleged to be misbranded further in that it was represented as a food for which a standard of identity had been prescribed by regulation promulgated pursuant to law and it did not bear a label containing the name of the food, tomato puree, specified in the definition and standard.

On November 1, 1943, the defendant having entered a plea of guilty to both counts of the information, the court imposed a fine of \$150 on each count, or a total fine of \$300.

5379. Adulteration of okra and tomato puree. U. S. v. 196 Cases of Okra and Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 10048. Sample No. 8970-F.)

Examination showed this product to be decomposed and fermented.

On June 2, 1943, the United States attorney for the Southern District of Texas filed a libel against 196 cases of okra and tomato puree at Houston, Texas, alleging that the article had been shipped in interstate commerce on or about October 10, 1942, by the Evangeline Pepper & Food Products from Saint Martinville, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jars) "Bulliard's Evangeline Brand Okra and Tomato Puree."

On July 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5380. Adulteration of tomato soup. U. S. v. 48 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 10166. Sample No. 46331-F.)

Examination showed the product was made from moldy and decayed tomatoes.

On June 30, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 48 cases, each containing 24 cans, of tomato soup at Hopewell, Va., alleging that the article had been shipped in interstate commerce on or about January 12, 1943, by the Phillips Sales Co., Inc., from Cambridge, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Phillips Delicious 'Newly improved' and now better-than-ever Condensed * * * Tomato Soup."

On August 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GRAINS AND FEEDS

5381. Misbranding of alfalfa meal. U. S. v. James H. Crain and R. E. L. Wilson, Jr., the latter also known as Lee Wilson (Lee Wilson & Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 8836. Sample No. 26483-F.)

On April 15, 1943, the United States attorney for the Eastern District of Arkansas filed an information against James H. Crain and R. E. L. Wilson, Jr., the latter also known as Lee Wilson, both trading and doing business under the firm of Lee Wilson & Co., at Wilson, Ark., alleging shipment on or about July 10, 1942, from the State of Arkansas into the State of Maryland of a quantity of alfalfa meal that was misbranded. The article was labeled in part: "Wilson's Alfalfa Leaf Meal Dehydrated * * * Made by Lee Wilson & Company Wilson, Arkansas Guaranteed Analysis Protein 20% * * * Fibre 18%."