

LABEL, IN PART: (Cartons) "Tomatoes 10 Lbs. Net"; (boxes) "Blue Goose Texas Tomatoes * * * Net Weight 30 Lbs.," or "Our Very Best Grade Tomatoes Net Weight When Packed 30 Lbs."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents, since the cartons and boxes contained less than the declared weight.

DISPOSITION: June 2, 1945. The defendant, Krause, having entered a plea of nolo contendere, the court imposed a fine of \$50 on each of the 5 counts, a total fine of \$250.

8058. Adulteration of tomato puree. U. S. v. Butterfield Canning Co. Plea of guilty. Fine, \$200. (F. D. C. No. 12577. Sample Nos. 4157-F, 67348-F.)

INFORMATION FILED: October 24, 1944, Southern District of Indiana, against the Butterfield Canning Co., a corporation, Muncie, Ind.

ALLEGED SHIPMENT: On or about November 3 and 8, 1943, from the State of Indiana into the States of Ohio and Kentucky.

LABEL, IN PART: "Butterfield Brand [or "Indiana Brand"] Tomato Puree."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of excessive mold, rot fragments, and vinegar fly eggs.

DISPOSITION: December 2, 1944. A plea of guilty having been entered on behalf of the defendant, a fine of \$200 was imposed.

8059. Adulteration of tomato puree. U. S. v. Zion's Cooperative Mercantile Institution (Zion's Wholesale Grocery). Plea of guilty. Fine, \$25. (F. D. C. No. 12619. Sample No. 15794-F.)

INFORMATION FILED: November 22, 1944, District of Utah, against Zion's Cooperative Mercantile Institution, a corporation trading as Zion's Wholesale Grocery, Ogden, Utah.

ALLEGED SHIPMENT: On or about January 22, 1943, from the State of Utah into the State of Idaho.

LABEL, IN PART: "Smith Brand Tomato Puree * * * Packed by Smith Canning Co. Clearfield, Utah."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 10, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$25 was imposed.

8060. Adulteration of tomato sauce. U. S. v. Rosario Raspanti. Plea of guilty. Fine, \$100. (F. D. C. No. 10642. Sample Nos. 9954-F, 9959-F, 10282-F.)

INDICTMENT RETURNED: May 3, 1944, Southern District of Mississippi, against Rosario Raspanti, trading as the Uddo & Taormina Co., Crystal Springs, Miss.

ALLEGED SHIPMENT: Between the approximate dates of February 24 and July 20, 1942, from the State of Mississippi into the State of Louisiana.

LABEL, IN PART: "Baby Brand Tomato Sauce Distributed By Uddo & Taormina Company Crystal Springs, Miss."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, i. e., moldy and decomposed tomato tissues.

DISPOSITION: August 25, 1944. A plea of guilty having been entered, the defendant was fined \$100.

8061. Adulteration of tomato soup. U. S. v. 432 Cases and 50 Cases of Tomato Soup. Decrees of condemnation and destruction. (F. D. C. Nos. 9506, 10073. Sample Nos. 29059-F, 28960-F.)

LABEL FILED: March 9 and June 9, 1943, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 18 and February 3, 1943, by the Phillips Sales Co., Inc., from Cambridge, Md.

PRODUCT: 432 cases and 50 cases, each containing 48 10½-ounce cans, of tomato soup, at Atlanta, Ga.

LABEL, IN PART: "Phillips Delicious * * * Tomato Soup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance as evidenced by the presence of mold.

DISPOSITION: May 14, 1945. The Phillips Packing Co., Inc., having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

8062. Adulteration of shelled almonds and shelled pecans. U. S. v. 7 Cartons of Shelled Almonds and 7 Cartons of Shelled Pecans. Default decree of condemnation and destruction. (F. D. C. No. 13904. Sample Nos. 74228-F, 74229-F.)

LIBEL FILED: October 4, 1944, Eastern District of Washington.

ALLEGED SHIPMENT: On or about September 9, 1944, by Toby's Food Products Packing Co., Los Angeles, Calif.

PRODUCT: 7 cartons, each containing 30 1-ounce packages, of shelled almonds, and 7 cartons, each containing 30 1-ounce packages, of shelled pecans, at Yakima, Wash.

LABEL, IN PART: "Take-A-Pack Shelled Almonds [or "Pecans"]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect excreta.

DISPOSITION: November 20, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8063. Adulteration of peanuts. U. S. v. South Quay Peanut Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 14209. Sample No. 63206-F.)

INFORMATION FILED: February 22, 1945, Eastern District of Virginia, against the South Quay Peanut Co., a partnership, Franklin, Va.

ALLEGED SHIPMENT: On or about February 11, 1944, from the State of Virginia into the State of North Carolina.

LABEL, IN PART: "No. 2 Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rancid, moldy, and dirty peanuts.

DISPOSITION: May 8, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

8064. Adulteration of peanut butter. U. S. v. Commercial Creamery Co. Plea of guilty. Fine, \$5,400. (F. D. C. No. 14227. Sample Nos. 71642-F, 71643-F, 71732-F.)

INFORMATION FILED: December 22, 1944, Eastern District of Washington, against the Commercial Creamery Co., Spokane, Wash.

ALLEGED SHIPMENT: On or about April 26 and May 3 and 8, 1944, from the State of Washington into the State of Idaho.

LABEL, IN PART: "Eatsum Brand Peanut Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellet fragments, rodent hairs, insect fragments, insect legs, and cast skins; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth, since the defendant's manufacturing plant was overrun with rodents, and rodent pellets and hair were prevalent throughout the plant.

DISPOSITION: April 2, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$900 on each of 6 counts, a total fine of \$5,400, was imposed.

8065. Adulteration of peanut butter. U. S. v. Denison Peanut Co., Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 14208. Sample No. 66790-F.)

INFORMATION FILED: November 15, 1944, Eastern District of Texas, against the Denison Peanut Co., Inc., Denison, Tex.

ALLEGED SHIPMENT: On or about March 1, 1944, from the State of Texas into the State of Oklahoma.

LABEL, IN PART: "Nature's Best * * * Peanut Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments, excreta fragments resembling rodent excreta, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.