

Misbranding (1 lot only), Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it purported to be and was represented as tomato puree, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the food specified in the definition and standard.

**DISPOSITION:** March 20, 1947. Pleas of guilty having been entered, the court imposed fines of \$250 against the partnership defendant and \$5.00 against each of the three individual defendants.

**11261. Adulteration of tomato puree. U. S. v. St. Marys Packing Co. Plea of guilty. Fine, \$100. (F. D. C. No. 20110. Sample Nos. 28258-H, 31524-H.)**

**INFORMATION FILED:** July 3, 1946, against the St. Marys Packing Co., a corporation, St. Marys, Ohio.

**ALLEGED SHIPMENT:** On or about March 2 and 3, 1945, from the State of Ohio into the States of Washington and California.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** November 12, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

**11262. Adulteration and misbranding of tomato puree. U. S. v. 139 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 20056, 21803, 22324. Sample Nos. 25899-H, 35807-H, 57268-H.)**

**LIBELS FILED:** June 5 and December 3, 1946, and February 28, 1947, District of Colorado, Eastern District of Missouri, and District of Massachusetts.

**ALLEGED SHIPMENT:** On or about November 19, 1945, and October 21 and 26, 1946, by Flotill Products, Inc., from Modesto and Stockton, California.

**PRODUCT:** Tomato puree. 139 cases, each containing 6 6-pound, 9-ounce cans, at Denver, Colo.; 249 cases, each containing 24 1-pound, 12-ounce cans, at St. Louis, Mo.; and 99 cases, each containing 24 1-pound, 12-ounce cans, at Springfield, Mass. Examination showed that the St. Louis and Springfield lots were short-weight and that the Denver lot contained decomposed tomato material.

**LABEL, IN PART:** "Flotilla Tomato Puree Contents 1 Lb. 12 Ozs. [or "Contents 6 Lbs. 9 Oz."]."

**NATURE OF CHARGE:** Denver lot. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

St. Louis and Springfield lots. Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

**DISPOSITION:** July 30, 1946, and February 28 and May 20, 1947. Flotill Products, Inc., Stockton, Calif., claimant for the St. Louis and Springfield lots, having consented to the entry of decrees, and no claimant having appeared for the Denver lot, judgments of condemnation were entered. The Denver lot was ordered destroyed; and the St. Louis and Springfield lots were ordered released under bond, conditioned that they be brought into compliance with the law, under the supervision of the Federal Security Agency. The latter lots were relabeled.

**11263. Adulteration of tomato puree. U. S. v. 3,000 Cases \* \* \*. (F. D. C. No. 20365. Sample Nos. 58623-H, 58624-H, 58677-H, 58678-H.)**

**LIBEL FILED:** July 8, 1946, District of Oregon.

**ALLEGED SHIPMENT:** On or about October 25 and 26, 1945, by the St. Claire Packing Co., from San Jose, Calif.

**PRODUCT:** 3,000 cases, each containing 6 No. 10 cans, of tomato puree at Portland, Oreg.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.