

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the labeling of the article failed to bear an accurate statement of the quantity of the contents, since the bags contained less than 50 pounds.

DISPOSITION: September 4, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

11455. Adulteration and misbranding of potatoes. U. S. v. 255 Bags * * *. (F. D. C. No. 20421. Sample No. 38302-H.)

LIBEL FILED: July 27, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about June 21, 1946, by the National Produce Co., from Atherton, Mo.

PRODUCT: 255 100-pound bags of potatoes at Grand Rapids, Mich. Examination showed that the bags contained an average of 10 pounds of dirt.

LABEL, IN PART: "100 Lbs. Net Pony Express Missouri Grown Potatoes Grown By C. Ray Curtis and Son, Atherton, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), dirt had been substituted in part for potatoes.

Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: October 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered brought into compliance with the law, under the supervision of the Food and Drug Administration. The product subsequently was sold by the U. S. marshal.

11456. Adulteration of potato chips. U. S. v. Red Dot Foods and Andrew B. Laing. Pleas of guilty. Fines of \$200 against the partnership and \$25 against the individual. (F. D. C. No. 20451. Sample Nos. 19535-H, 19540-H, 50655-H, 50656-H.)

INFORMATION FILED: July 17, 1946, District of Minnesota, against Red Dot Foods, a partnership, St. Paul, Minn., and Andrew B. Laing, plant manager.

ALLEGED SHIPMENT: On or about December 28 and 29, 1945, and January 2, 1946, from the State of Minnesota into the States of Iowa, Wisconsin, and North Dakota.

LABEL, IN PART: "Red Dot * * * Potato Chips."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the article consisted in part of a filthy substance by reason of the presence of rodent hairs and insect fragments, and the remainder consisted in part of a decomposed substance by reason of the presence of decomposed potato material; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 6, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed fines of \$200 against the partnership defendant and \$25 against the individual defendant.

TOMATOES AND TOMATO PRODUCTS*

11457. Misbranding of canned tomatoes. U. S. v. 600 Cases * * *. (F. D. C. No. 20729. Sample No. 41937-H.)

LIBEL FILED: August 15, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 2 and 6, 1946, by Sunrise Products, Inc., from Fort Pierce, Fla.

PRODUCT: 600 cases, each containing 24 cans, of tomatoes at Richmond, Va. Examination showed that the article was short-weight; that the drained weight was less than 50 percent of the weight of the water required to fill the container; and that the containers were filled to less than 90 percent of their capacity.

LABEL, IN PART: "Pure Food Brand Tomatoes. Contents 1 Lb. 3 Oz. Thomas Roberts & Co., Distributors, Philadelphia, Pa."

*See also No. 11310.

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents; Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes with respect to the drained weight; and, Section 403 (h) (2), it fell below the standard of fill of container. The labels failed to bear statements that the article fell below the standard of quality and fill of container.

DISPOSITION: September 6, 1946. Thomas Roberts & Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11458. Adulteration of tomato catsup. U. S. v. Vincennes Packing Corp. Plea of guilty. Fine, \$350. (F. D. C. No. 20455. Sample Nos. 21383-H, 25015-H.)

INFORMATION FILED: August 3, 1946, Southern District of Indiana, against the Vincennes Packing Corp., Vincennes, Ind.

ALLEGED SHIPMENT: On or about January 18 and November 2, 1945, from the State of Indiana into the States of Missouri and Louisiana.

LABEL, IN PART: "Alice of Old Vincennes Tomato Catsup," or "Red & White Brand Tomato Catsup Red & White Corp'n, Distributors Chicago."

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.

DISPOSITION: September 13, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$350.

11459. Adulteration of tomato paste. U. S. v. Manteca Canning Co., Frank H. Walrond, Edward A. Kent, Anthony L. Escobar, and Kimball Littlejohn. Pleas of guilty. Fines of \$1,000 against the corporation and \$376 against each individual; total fine, \$2,504. (F. D. C. No. 20437. Sample Nos. 5029-H, 21395-H, 35902-H, 35906-H, 35907-H.)

INFORMATION FILED: August 5, 1946, Northern District of California, against the Manteca Canning Co., a corporation, Manteca, Calif.; Frank H. Walrond, president; Edward A. Kent, vice president; Anthony L. Escobar, secretary-treasurer; and Kimball Littlejohn, plant superintendent.

ALLEGED SHIPMENT: On or about October 25 and 29, 1945, from the State of California into the States of Pennsylvania and Missouri.

LABEL, IN PART: "Mattina Brand Tomato Paste."

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

DISPOSITION: September 10, 1946. Pleas of guilty to both counts of the information having been entered on behalf of the defendants, the court imposed a total fine of \$2,504.

11460. Adulteration of tomato puree. U. S. v. Ensher, Alexander and Barsoom, Inc., and Homer E. Ensher. Pleas of guilty. Fine, \$250. (F. D. C. No. 20473. Sample No. 20848-H.)

INFORMATION FILED: September 12, 1946, Northern District of California, against Ensher, Alexander and Barsoom, Inc., Sacramento, Calif., and Homer E. Ensher, president and general manager of the corporation.

ALLEGED SHIPMENT: On or about November 20, 1945, from the State of California into the State of Missouri.

LABEL, IN PART: "E and A Brand Fancy Tomato Puree."

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: October 7, 1946. Pleas of guilty having been entered, the court imposed a fine of \$250 to be paid jointly by the corporation and the individual.

11461. Adulteration of tomato puree. U. S. v. The Hougland Packing Co., Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 20474. Sample Nos. 14344-H, 52819-H, 52831-H.)

INFORMATION FILED: October 2, 1946, Southern District of Indiana, against the Hougland Packing Co., Inc., Franklin, Ind.