

Misbranding, Section 403 (a), the label statement "Tomato Sauce" was false and misleading, and the label statement "Color Added," on some of the cans, was false and misleading as applied to an article containing no added color.

DISPOSITION: February 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

11977. Adulteration and misbranding of tomato sauce. U. S. v. 287 Cases * * *.
(F. D. C. No. 21694. Sample No. 48639-H.)

LIBEL FILED: December 10, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about June 29, 1946, by the St. Clair Foods Co., Ltd., from McAllen, Tex.

PRODUCT: 287 cases, each containing 48 8-ounce cans, of tomato sauce at Denver, Colo.

LABEL, IN PART: (Cans) "Royal Rio, Spanish Style Tomato Sauce Net Weight 8 Ozs. Avoir."

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

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: January 9, 1947. Consent decree of condemnation and destruction.

MEAT AND POULTRY

11978. Adulteration of frozen beef. U. S. v. 378 Boxes * * *. (F. D. C. No. 22794. Sample No. 73119-H.)

LIBEL FILED: March 31, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 4, 1947, by the Houston Terminal Warehouse Co., from Houston, Tex.

PRODUCT: 378 110-pound boxes of frozen beef at Cleveland, Ohio.

LABEL, IN PART: "San Antonio Packing Company San Antonio, Texas Beef."

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

DISPOSITION: June 24, 1947. The Akron Standard Market Co., Akron, Ohio, 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 disposed of for use as animal feed or tankage, under the supervision of the Food and Drug Administration.

11979. Adulteration of dressed poultry. U. S. v. Hoeser Poultry Co. and Herman C. Mock. Pleas of guilty. Fine of \$150 against each defendant.
(F. D. C. No. 21570. Sample No. 53162-H.)

INFORMATION FILED: February 14, 1947, Southern District of Indiana, against the Hoeser Poultry Co., a partnership, Worthington, Ind., and Herman C. Mock, a partner.

ALLEGED SHIPMENT: On or about August 22, 1946, from the State of Indiana into the State of Ohio.

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

DISPOSITION: February 14, 1947. Pleas of guilty having been entered, the court imposed a fine of \$150 each against the partnership defendant and the individual defendant.

11980. Adulteration of turkeys. U. S. v. Omaha Cold Storage Co., a corporation, and Homer C. Sheridan. Pleas of nolo contendere. Corporation fined \$300 and costs; individual fined \$50. (F. D. C. No. 23247. Sample No. 60083-H.)

INFORMATION FILED: October 10, 1947, District of Nebraska, against the Omaha Cold Storage Co., a corporation, Omaha, Nebr., and Homer C. Sheridan, vice-president.