

12186. Misbranding of tomato puree. U. S. v. 322 Cases * * *. (F. D. C. No. 22212. Sample No. 54347-H.)

LABEL FILED: February 3, 1947, Western District of North Carolina.

ALLEGED SHIPMENT: On or about November 29, 1946, by the Ray Packing Co., from Elwood, Ind.

PRODUCT: 322 cases, each containing 6 cans, of tomato puree at Charlotte, N. C. Examination showed that the article was short-weight.

LABEL, IN PART: "Indiana King tomato puree Contents 6 lbs. 8 oz."

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.

DISPOSITION: March 6, 1947. Select Foods, Inc., Charlotte, N. C., 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 relabeled under the supervision of the Food and Drug Administration.

12187. Misbranding of tomato puree. U. S. v. 21 Cases * * *. (F. D. C. No. 22903. Sample No. 53787-H.)

LABEL FILED: April 7, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about November 23, 1946, by the Jagers Wholesale Grocery Co., from Indianapolis, Ind.

PRODUCT: 21 cases, each containing 48 10½-ounce cans, of tomato puree at Jenkins, Ky.

LABEL, IN PART: "Indiana Chief Brand Tomato Puree * * * Packed by Orestes Canning Company, Orestes, Ind."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree, since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: May 8, 1947. Default decree of condemnation. The product was ordered delivered to a public welfare institution.

NUTS AND NUT PRODUCTS

12188. Adulteration of peanuts. U. S. v. 30 Bags * * *. (F. D. C. No. 22425. Sample No. 73392-H.)

LABEL FILED: January 22, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about October 24, 1946, from Suffolk, Va.

PRODUCT: 30 100-pound bags of peanuts at Minneapolis, Minn., in possession of the Gamble Robinson Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of insects and moldy, rodent-gnawed peanuts; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (The product had been stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta was observed around the bags.)

DISPOSITION: June 2, 1947. The claimant having consented to the entry of a decree, judgment was entered ordering that the product be denatured for use as animal feed, under the supervision of the Food and Drug Administration; otherwise, it was to be destroyed. The product was used for animal feed.

12189. Adulteration of pecans. U. S. v. 6 Bags * * *. (F. D. C. No. 22360. Sample No. 39517-H.)

LABEL FILED: January 3, 1947, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 21, 1946, by the Southeastern Pecan Co., Inc., from Waycross, Ga.

PRODUCT: 6 50-pound bags of pecans at Milwaukee, Wis.

LABEL, IN PART: "Gulf Kist Brand Pecans Oversize Blend."

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 moldy, rancid, and decomposed pecans.

DISPOSITION: March 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12190. Adulteration of pecan pieces. U. S. v. 17 Cartons * * *. (F. D. C. No. 22635. Sample No. 50551-H.)

LABEL FILED: March 13, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 11, 1946, by the Greenville Pecan Co., from Greenville, Ala.

PRODUCT: 17 25-pound cartons of pecan pieces at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (Examination disclosed the presence of rancid and moldy pecan pieces.)

DISPOSITION: April 28, 1947. Default decree of condemnation and destruction.

12191. Adulteration of shelled pecans. U. S. v. 9 Boxes * * *. (F. D. C. No. 22654. Sample No. 81846-H.)

LABEL FILED: March 24, 1947, Eastern District of Washington.

ALLEGED SHIPMENT: On or about January 2, 1947, by the Dixie Paper Shell Pecan Exchange, Inc., from Barnesville, Ga.

PRODUCT: 9 60-pound boxes of shelled pecans at Spokane, Wash.

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 *E. coli*.

DISPOSITION: May 12, 1947. The Dixie Paper Shell Pecan Exchange, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the contaminated portion be segregated from the good portion and that both be disposed of in compliance with the law, under the supervision of the Federal Security Agency.

12192. Adulteration of black walnut kernels. U. S. v. 21 Boxes * * *. (F. D. C. No. 22503. Sample No. 65471-H.)

LABEL FILED: February 10, 1947, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 4, 1946, by Dutt and Wagner, from Kingsport, Tenn.

PRODUCT: 21 5-pound boxes of black walnut kernels at Lansford, Pa.

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 *E. coli*.

DISPOSITION: April 3, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12193. Adulteration and misbranding of peanut butter. U. S. v. Witwer Grocer Co. (I. O. A. Foods), a corporation, and Ross E. Grange. Pleas of guilty. Corporation fined \$250 and costs; individual fined \$50. (F. D. C. No. 22104. Sample Nos. 77516-H, 77517-H.)

INFORMATION FILED: September 25, 1947, Northern District of Iowa, against the Witwer Grocer Company, trading as I. O. A. Foods, and Ross E. Grange, manager of I. O. A. Foods.

ALLEGED SHIPMENT: On or about February 17, 1947, from the State of Iowa into the State of Wisconsin.

LABEL, IN PART: (Cartons) "Peanut Butter * * * Taste-Rite Brand * * * Finest No. 1 Peanuts"; (jars) "Taste-Rite Brand Net Weight 2 Lbs. [or "6 Ozs."] Peanut Butter Finest No. 1 Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect fragments.

Misbranding, Section 403 (a), the statement on the cartons and jars "Finest No. 1 Peanuts" was false and misleading, since the product was not manufactured from peanuts of high quality, but was manufactured from insect-infested peanuts.

DISPOSITION: September 25, 1947. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$250, plus costs, and the individual defendant was fined \$50.