

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "From Sunny California" was false and misleading as applied to an article packed in Florida.

DISPOSITION: November 21, 1946. Tom Boy Stores, Inc., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

12406. Adulteration of lemon and lime fountain sirup. U. S. v. 5 Cases * * *.
(F. D. C. No. 24211. Sample No. 12419-K.)

LIBEL FILED: December 31, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 30, 1947, by the Trufruit Syrup Corp., from Brooklyn, N. Y.

PRODUCT: 5 cases, each containing 4 1-gallon jugs, of lemon- and lime-flavored sirup at Philadelphia, Pa.

LABEL, IN PART: "Trufruit Fountain Syrup Contents 100 Ozs. * * * Lemon & Lime Flavor Syrup Ingredients: Cane Sugar Syrup, Maltose, Dextrin, Dextrose, Citric Juices and Oils, U. S. Certified Food Color and Citric Acid Added. Preserved with $\frac{1}{10}$ of 1% Benzoate of Soda."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing saccharin had been substituted in whole or in part for beverage sirup containing sugar.

DISPOSITION: February 9, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12407. Adulteration of tomato juice and tomato puree. U. S. v. Charles H. Reagan (Reagan Canning Co.). Plea of guilty. Fine, \$300. (F. D. C. No. 21527. Sample Nos. 39925-H, 51261-H, 51262-H, 67311-H.)

INFORMATION FILED: April 2, 1947, Southern District of Texas, against Charles H. Reagan, trading as the Reagan Canning Co., McAllen, Tex.

ALLEGED SHIPMENT: On or about June 19, 22, and 25, 1946, from the State of Texas into the States of Arkansas, Minnesota, and Missouri.

LABEL, IN PART: "Tomato Puree [or "Tomato Juice"] Reagan's Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of decomposed substances, i. e., moldy and decomposed tomato tissues, and in addition, they consisted in part of filthy substances by reason of the presence of fly eggs and maggots.

DISPOSITION: May 6, 1947. A plea of guilty having been entered, the court imposed fines of \$100 on each of counts 1 and 2 of the information and \$50 on each of counts 3 and 4, a total of \$300.

12408. Adulteration of tomato juice. U. S. v. Richmond-Chase Company, a Corporation, and Leon W. Dierkes. Pleas of nolo contendere. Each defendant fined \$50. (F. D. C. No. 21559. Sample No. 29889-H.)

INFORMATION FILED: March 5, 1947, Northern District of California, against the Richmond-Chase Co., San Jose, Calif., and Leon W. Dierkes, sales manager; charging the defendants with the giving of a false guaranty. The guaranty was given by the defendants to United Grocers, Ltd., San Francisco, Calif., on or about February 12, 1945, in connection with a contract for the sale of tomato juice. It provided that the food sold under the contract would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

Between the approximate dates of February 19 and April 14, 1945, the defendants sold and delivered a quantity of tomato juice to United Grocers, Ltd., which firm shipped the product from the State of California into the Territory of Hawaii. The tomato juice so guaranteed and shipped was adulterated.

LABEL, IN PART: "Heart's Delight Juicidrink Fancy Tomato Juice."

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: April 4, 1947. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of \$50 against each.