

DISPOSITION: September 8 and 24 and October 27, 1948. Default decrees of condemnation and destruction.

13511. Adulteration of tomato juice. U. S. v. Charles A. Shuttleworth (Salamonie Packing Co.). Plea of guilty. Fine, \$400 and costs. (F. D. C. No. 20467. Sample Nos. 10686-H, 14041-H, 14487-H, 35005-H.)

INFORMATION FILED: August 27, 1946, Northern District of Indiana, against Charles A. Shuttleworth, trading as the Salamonie Packing Co., Warren, Ind.

ALLEGED SHIPMENT: On or about September 20 and 29 and October 3, 1945, from the State of Indiana into the States of Ohio, Missouri, and New York.

LABEL, IN PART: "Leadway Tomato Juice * * * Packed for Leadway Foods Chicago, Ill. San Francisco, Calif.," "Weideman Boy Brand Tomato Juice The Weideman Co. Distributors—Cleveland, O.," or "Salamonie Tomato Juice Packed by Salamonie Packing Co. Warren, Ind."

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: May 28, 1948. A plea of guilty having been entered, the defendant was fined \$400 and costs.

13512. Adulteration of tomato juice. U. S. v. 134 Cases * * * (F. D. C. No. 24397. Sample No. 28148-K.)

LABEL FILED: January 7, 1948, Northern District of Texas.

ALLEGED SHIPMENT: On or about October 13, 1947, by the Colo-Flavor Products Co., Palisade, Colo.

PRODUCT: 134 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Amarillo, Tex.

LABEL, IN PART: "Red & White Brand Tomato Juice Contents 1 Quart 14 Fld. Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance and was unfit for food by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 6, 1948. Default decree of condemnation and destruction.

13513. Adulteration and misbranding of tomato juice. U. S. v. 1,344 Cases * * * (F. D. C. No. 24656. Sample No. 6450-K.)

LABEL FILED: May 28, 1948, Western District of New York.

ALLEGED SHIPMENT: On or about March 19 and 23, 1948, by United Public Markets, Inc., from Pawtucket, R. I. These were return shipments.

PRODUCT: 1,344 cases, each containing 12 46-fluid-ounce cans, of tomato juice at Egypt, N. Y.

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

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for canned tomato juice, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: August 3, 1948. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

13514. Adulteration of bread. U. S. v. Chambersburg Baking Co. Plea of nolo contendere. Fine, \$225; payment of \$75 of fine suspended. Defendant placed on probation for 1 year. (F. D. C. No. 24803. Sample Nos. 3432-K to 3434-K, incl.)

INFORMATION FILED: July 2, 1948, Middle District of Pennsylvania, against the Chambersburg Baking Co., a corporation, Chambersburg, Pa.

ALLEGED SHIPMENT: On or about March 17, 1948, from the State of Pennsylvania into the State of Maryland.

LABEL, IN PART: "Capital Mother's Enriched * * * Manufactured and Packed By Capital Bakers, Inc. Harrisburg, Penna."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect larval cast skins, insect fragments, rodent hair fragments, feather fragments, an insect larval head capsule, and a feather fragment; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 11, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$75 on each of the 3 counts of the information. The fine on count 3 was suspended, and the defendant was placed on probation for 1 year.

13515. Adulteration of bread. U. S. v. The Kroger Co. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 24539. Sample Nos. 26412-K, 26413-K, 26817-K to 26820-K, incl.)

INFORMATION FILED: September 24, 1948, Western District of Tennessee, against the Kroger Co., a corporation, Memphis, Tenn.

ALLEGED SHIPMENT: On or about September 17, 19, and 20, 1947, from the State of Tennessee into the State of Arkansas.

LABEL, IN PART: "Kroger Rye Bread [or "Raisin Bread," or "Sliced White Bread"]."

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

DISPOSITION: October 29, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000.

13516. Adulteration and misbranding of bread. U. S. v. Mel's Cookie Co. (Meyer's Bakery of Texarkana), and Dayton E. Shermer, Sr. Pleas of nolo contendere. Joint fine of \$200; suspension of additional fine of \$500. (F. D. C. No. 24535. Sample Nos. 22608-K, 22610-K.)

INFORMATION FILED: April 20, 1948, Eastern District of Texas, against Mel's Cookie Co., a corporation, trading as Meyer's Bakery of Texarkana, at Texarkana, Tex., and Dayton E. Shermer, Sr., president.

ALLEGED SHIPMENT: On or about October 21 and 22, 1947, from the State of Texas into the State of Arkansas.

LABEL, IN PART: "Meyer's Fresh Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), the label statements "One half pound of this bread supplies you with at least the following amounts or percentages of your minimum daily requirements for these essential food substances: Thiamine (Vitamin B₁) 55%; Riboflavin (Vitamin B₂) 17.5%; Niacin (another 'B' Vitamin) 5 milligrams" were false and misleading since one-half pound of the article contained less than 55 percent of the minimum daily requirement for thiamine (vitamin B₁), less than 17.5 percent of the minimum daily requirement for riboflavin (vitamin B₂), and less than 5 milligrams of niacin.

DISPOSITION: June 17, 1948. Pleas of nolo contendere having been entered, the defendants were jointly fined \$200 on counts 1 and 2. In addition, the defendants were fined \$500 on counts 3 and 4, which fine was suspended on condition that an attempt be made in good faith to comply with the law.

13517. Misbranding of bread. U. S. v. Eddy Bakery, Boise, Inc., James E. O'Connell, and Haskell Preffer. Pleas of nolo contendere. Corporation fined \$230; each individual defendant fined \$10. (F. D. C. No. 24813. Sample Nos. 75270-H, 75271-H, 77839-H, 36115-K to 36117-K, incl., 36119-K to 36122-K, incl.)

INFORMATION FILED: July 2, 1948, District of Idaho, against Eddy Bakery, Boise, Inc., Boise, Idaho, James E. O'Connell, president, and Haskell Preffer, manager of the Boise, Idaho, plant.