

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

DISPOSITION: September 2, 1949. A plea of guilty having been entered, the court imposed a fine of \$1,000.

15098. Misbranding of tomato puree. U. S. v. Orestes Canning Co., Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 26318. Sample Nos. 26378-K, 27179-K.)

INFORMATION FILED: February 3, 1949, Southern District of Indiana, against the Orestes Canning Co., Inc., Elwood, Ind.

ALLEGED SHIPMENT: On or about January 21 and March 2, 1948, from the State of Indiana into the State of Illinois.

LABEL, IN PART: "Indiana Chief Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article purported to be and was represented as tomato puree, and it 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.

DISPOSITION: September 2, 1949. A plea of guilty having been entered, the court imposed a fine of \$250.

15099. Supplement to notice of judgment on foods, No. 13678. U. S. v. 382 Cans * * *. (F. D. C. No. 24626. Sample Nos. 6445-K, 6838-K.)

On September 22, 1948, judgment of condemnation was entered against 382 cases of tomato puree, which was misbranded in that the cans of the product contained less than the declared amount. The product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

On May 9, 1949, all but 66 cases of the product having been relabeled, an amended decree was entered authorizing the claimant to sell or otherwise dispose of the 66 cases of tomato puree for the purpose of making it into spaghetti sauce without relabeling the individual cans. Thereafter, the claimant found that it was unable to arrange for such disposition of the 66 cases; and, accordingly, with the consent of the claimant, a further amended decree was entered on September 9, 1949, providing for the delivery of the 66 cases to a charitable institution.

15100. Adulteration and misbranding of pizza sauce (tomato product). U. S. v. Carmine Marcucci (Atlantic Canning Co.). Plea of guilty. Fine, \$250. Defendant placed on probation for 3 years. (F. D. C. No. 26797. Sample Nos. 10104-K, 10105-K.)

INFORMATION FILED: June 3, 1949, District of New Jersey, against Carmine Marcucci, trading as the Atlantic Canning Co., Mays Landing, N. J.

ALLEGED SHIPMENT: On or about September 30 and October 4, 1948, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Marco Brand Italian Style Peeled Tomatoes Pizza Sauce 6 Lbs. 8 Ozs."

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