

July 14, 1947, the time of a previous criminal conviction against the defendants. See notices of judgment on foods, No. 12604.

15155. Adulteration of tomato juice. U. S. v. 34 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 26822, 26838, 26839. Sample Nos. 46119-K, 49233-K, 53149-K.)

LIBELS FILED: March 17, 18, and 22, 1949, Northern District of Texas and Western District of Missouri.

ALLEGED SHIPMENT: On or about October 2 and 18, November 6, and December 1, 1948 by the Vincennes Packing Corp., Vincennes and Seymour, Ind.

PRODUCT: Tomato juice. 34 cases, each containing 48 13½-ounce cans, at Fort Worth, Tex.; 130 cases, each containing 12 1-quart, 14-fluid ounce cans, at Lubbock, Tex.; and 139 cases, each containing 12 1-quart, 14-fluid ounce cans, at Joplin, Mo.

LABEL, IN PART: "White Swan * * * Tomato Juice" or "Shurfine Tomato Juice."

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.

DISPOSITION: May 9 and 11 and June 2, 1949. The Vincennes Packing Corp. having appeared as claimant, judgments of condemnation were entered and the court ordered that the product be released under bond to be segregated, reconditioned, destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration. Of the 139 cases seized at Joplin, 63 cases were destroyed and the remainder were released. Salvage of the 25 cases seized at Fort Worth and the 55 cases seized at Lubbock was unsuccessful, and both lots were destroyed.

15156. Adulteration of coffee sweeps. U. S. v 6,000 Pounds * * * (and 1 other seizure action). (F. D. C. Nos. 27189, 27191. Sample Nos. 10181-K, 11603-K.)

LIBELS FILED: May 9, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 9, March 14, and April 2, 1949, from Brazil.

PRODUCT: Approximately 7,500 pounds of coffee sweeps at Brooklyn, N. Y.

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 manure, wood splinters, oil, dirt, and other foreign material; and, Section 402 (a) (4) it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 17, 1949. Default decree of condemnation and destruction.

CANDY AND SUGAR

15157. Adulteration of candy. U. S. v. Fisher Nut & Chocolate Co., Inc., Sam S. Fisher, and Elmer C. Muggenburg. Plea of guilty by corporation; fine, \$1,500. Pleas of nolo contendere by individual defendants; Sam S. Fisher fined \$450, and Elmer C. Muggenburg fined \$50. (F. D. C. No. 24514. Sample Nos. 14907-K, 15514-K, 16815-K, 16820-K, 18015-K, 25036-K.)

INFORMATION FILED: April 8, 1948, District of Minnesota, against Fisher Nut & Chocolate Co., Inc., St. Paul, Minn., Sam S. Fisher, president, and Elmer C. Muggenburg, vice president.

ALLEGED SHIPMENT: On or about October 11, 14, 21, and 24, 1947, from the State of Minnesota into the States of Wisconsin, Michigan, Indiana, and South Dakota.

LABEL, IN PART: (Wrapper) "Fisher's Nutty Nougat [or "Salted Peanut Roll" or "Kingfisher"]."

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

DISPOSITION: On May 24, 1948, a plea of guilty having been entered on behalf of the corporation, it was fined \$1,500. On April 8, 1949, pleas of nolo contendere having been entered by the individual defendants, Sam S. Fisher was fined \$450 and Elmer C. Muggenburg was fined \$50.

15158. Adulteration of Nut Krunch, meringue, and Kream Fill. U. S. v. Herbert Kane (Brokay Products). Plea of nolo contendere. Fine of \$500 and jail sentence of 6 months; jail sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 26785. Sample Nos. 966-K, 967-K, 3732-K, 3872-K, 23641-K, 40304-K.)

INFORMATION FILED: June 2, 1949, Eastern District of Pennsylvania, against Herbert Kane, trading as Brokay Products, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about May 26, September 1, 10, and 20, and October 5, 1948, from the State of Pennsylvania into the States of Georgia, Virginia, Alabama, and Maryland.

LABEL, IN PART: "Brokay '90' Nut Krunch (Almond Flavored) Cont: Nuts, Corn Syrup, Maple Syrup, Pure and Imitation Flavor," "Brokay Nut Meat Krunch All Purpose Nuts Ingredients: Roasted Granulated Nuts, Cane Sugar, Maple Sugar, Whole Milk Solids & Flavor" or "Milk-White Meringue For Pies, Tarts and Lady-Locks," and "Kreamy-Kay Kream Fill For Cream Puffs, Eclairs, Boston Cream Cake, Pastry Fillings & Doughnuts."

NATURE OF CHARGE: Nut Krunch. Adulteration, Section 402 (b) (2), a product consisting in part of soybeans had been substituted for Nut Krunch of the composition declared on the label. Misbranding, Section 403 (a), the label statements, "Nut Krunch (Almond Flavored) Cont: Nuts, Corn Syrup, Maple Syrup, Pure and Imitation Flavor" or "Nut Meat Krunch All Purpose Nuts Ingredients: Roasted Granulated Nuts, Cane Sugar, Maple Sugar, Whole Milk Solids & Flavor," were false and misleading since the product consisted in part of soybeans; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient since the label failed to declare the presence of soybeans.

Meringue and Kream Fill. Adulteration, Section 402 (a) (4), the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Kream Fill. Misbranding, Section 403 (k), the product contained artificial coloring and did not bear labeling stating that fact.