

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short weight.)

Further misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned tomatoes since the fill of the container was less than 90 percent of the total capacity of the container as determined by the method prescribed in the standard, and the label failed to bear a statement that the article fell below such standard.

**DISPOSITION:** February 21, 1949. Flotill Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and relabeling, under the supervision of the Federal Security Agency. The segregation operations resulted in the release of 622 cases as having the correct weight. The remainder of the product was relabeled, with the exception of 18 cans of rejects which were destroyed.

**15239. Adulteration of tomato catsup. U. S. v. Fettig Canning Corp. Plea of guilty. Fine, \$750. (F. D. C. No. 27482. Sample Nos. 2566-K, 7895-K, 20586-K, 25642-K, 25643-K, 46215-K, 46218-K.)**

**INFORMATION FILED:** September 26, 1949, Southern District of Indiana, against the Fettig Canning Corp., Elwood, Ind.

**ALLEGED SHIPMENT:** On or about October 18, November 13, 19, and 30, and December 6, 1948, from the State of Indiana into the States of West Virginia, Pennsylvania, Nebraska, Iowa, and Missouri.

**LABEL, IN PART:** "Mary's Choice Tomato Catsup Packed by Fettig Canning Corp.," "Sweet Home Tomato Catsup \* \* \* Distributed by Krenning-Schlapp Gro. Co. St. Louis, Mo.," or "Conrad's Darnoc Brand Tomato Catsup Packed for J. F. Conrad Grocer Company, Saint Louis."

**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:** November 23, 1949. A plea of guilty having been entered, the corporation was fined \$750.

**15240. Adulteration of tomato puree. U. S. v. Mays Packing Co., Inc. Plea of guilty. Fine, \$750. (F. D. C. No. 27486. Sample Nos. 44324-K, 44327-K, 44390-K.)**

**INFORMATION FILED:** September 26, 1949, Southern District of Indiana, against Mays Packing Co., Inc., Mays, Ind.

**ALLEGED SHIPMENT:** Between the approximate dates of July 1 and November 26, 1948, from the State of Indiana into the State of Ohio.

**LABEL, IN PART:** (Portion) "A-Mays-U Brand Tomato Puree."

**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:** November 23, 1949. A plea of guilty having been entered, the defendant was fined \$750.