

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

**DISPOSITION:** December 5, 1949. A plea of guilty having been entered, the court imposed a sentence of 1 year in jail. The sentence was suspended and the defendant was placed on probation for 2 years, provided that he sell his plant and discontinue the packing of tomato products.

**15690. Adulteration and misbranding of canned tomatoes. U. S. v. 1,073 Cases**  
\* \* \*. (F. D. C. No. 27840. Sample Nos. 47183-K, 47184-K.)

**LIBEL FILED:** September 14, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 22 and 28, 1949, by A. W. Sisk & Son and W. T. Andrews, from Cambridge, Md.

**PRODUCT:** 1,073 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Pittsburgh, Pa.

**LABEL, IN PART:** (Can) "Cardinal Brand Tomatoes \* \* \* Packed By Walter T. Andrews & Son Cambridge, Md."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an article containing added water had been substituted in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in such definition and standard. Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes since it contained excessive tomato peel, and its label failed to bear the statement that it fell below such standard.

**DISPOSITION:** January 5, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

**15691. Adulteration of canned tomatoes. U. S. v. 99 Cases** \* \* \*. (F. D. C. No. 27666. Sample No. 60837-K.)

**LIBEL FILED:** On or about July 29, 1949, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about May 24, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

**PRODUCT:** 99 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Lawrenceville, Ill.

**LABEL, IN PART:** "White Fairy Brand Tomatoes."

**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:** January 19, 1950. Default decree of condemnation. The court ordered that the product be sold for use other than for human consumption; otherwise, that it be destroyed.

**15692. Misbranding of tomato puree. U. S. v. Anthony F. Taormina and Eugene A. Taormina (Taormina Co.). Pleas of guilty. Each defendant fined \$50. (F. D. C. No. 26321. Sample No. 23238-K.)**

**INFORMATION FILED:** April 15, 1949, Southern District of Texas, against Anthony F. Taormina and Eugene A. Taormina, two of the partners of the Taormina Co., Donna, Tex.

**ALLEGED SHIPMENT:** On or about July 6, 1948, from the State of Texas into the State of Louisiana.

**LABEL, IN PART:** "Buffalo Brand Tomato Puree."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product 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:** December 5, 1949. Pleas of guilty having been entered, the court fined each defendant \$50.

**15693. Misbranding of tomato puree. U. S. v. Delta Canning Co., Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 26796. Sample Nos. 27053-K, 27389-K.)**

**LIBEL FILED:** July 6, 1949, Southern District of Texas, against Delta Canning Co., Inc., Raymondville, Tex.

**ALLEGED SHIPMENT:** On or about August 7, 1947, and July 11, 1948, from the State of Texas into the State of Arkansas.

**LABEL, IN PART:** "Frost Brand Tomato Puree."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article 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, the minimum permitted by the definition and standard.

**DISPOSITION:** December 5, 1949. A plea of guilty having been entered, the court imposed a fine of \$100.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE**

**15694. Action to enjoin and restrain the interstate shipment of vitamin and mineral tablets. U. S. v. Cowley Pharmaceuticals, Inc. Preliminary injunction denied. (Inj. No. 186.)**

**COMPLAINT FILED:** February 26, 1948, District of Massachusetts, against Cowley Pharmaceuticals, Inc., Worcester, Mass.

**NATURE OF CHARGE:** That the defendant had been, and was at the time the complaint was filed, shipping in interstate commerce certain foods (vitamin and mineral tablets) which were adulterated and misbranded in the following manner:

(Products labeled "Ferrovyt," "1000 Tablets Vitamins and Minerals," and "100 Tablets Vitamins and Minerals," respectively.) Adulteration, Section 402 (b) (1), valuable constituents, vitamins, had been in part omitted in that each tablet of Ferrovyt was represented to contain 333 U. S. P. units of vitamin B<sub>1</sub>, each three tablets of the product labeled "1000 Tablets Vitamins and Minerals" were represented to contain 333 U. S. P. units of vitamin B<sub>1</sub> and 5,000 U. S. P. units of vitamin A, and each 3 tablets of the product labeled "100 Tablets Vitamins and Minerals" were represented to contain 5,000 U. S. P. units of vitamin A and 10 milligrams of niacinamide, whereas the tablets contained less than the stated quantities of the named vitamins. Misbranding, Section 403 (a), the statements, "each tablet contains vitamin B<sub>1</sub>, 333 U. S. P. Units," "Each 3 tablets contain Vitamin \* \* \* A 5000 U. S. P. Units, B<sub>1</sub> 333 U. S. P. Units," and "Each 3 Tablets Contain Vitamin A 5000 U. S. P. Units Niacinamide 10 mg.," on the labels of the respective products, were false and misleading.