

ALLEGED SHIPMENT: On or about January 26, 1950, by the Mountain Pass Canning Co., from Canutillo, Tex.

PRODUCT: 48 cases, each containing 24 1-pound, 3-ounce cans, of butter beans at Phoenix, Ariz.

LABEL, IN PART: "Mountain Pass * * * Butter Beans."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for canned butter beans since the article was prepared from dried butter beans and the standard provides that the vegetable ingredient, namely, butter beans, is the succulent vegetable.

DISPOSITION: September 21, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

TOMATOES AND TOMATO PRODUCTS*

16735. Adulteration of canned tomatoes and tomato juice. U. S. v. Charles S. Harding (Dupont Canning Co.). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 29191. Sample Nos. 52666-K, 52689-K, 72431-K, 72432-K.)

INFORMATION FILED: September 7, 1950, Southern District of Indiana, against Charles S. Harding, trading as the Dupont Canning Co., Dupont, Ind.

ALLEGED SHIPMENT: On or about September 30, October 5 and 10, and November 22, 1949, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: (Can) "Pendennis Tomatoes * * * Altsheler & Co. Distributors Louisville, Ky.," "Dupont Tomatoes Pride of Dupont Indiana Tomatoes * * * Packed by Dupont Canning Co., Dupont, Indiana," and "Pride of Dupont * * * Tomato Juice Packed by Dupont Canning Co., Dupont, Indiana."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the canned tomatoes consisted in part of a filthy substance by reason of the presence of vinegar fly eggs and maggots, and the tomato juice consisted in part of a filthy and decomposed substance by reason of the presence of vinegar fly eggs, maggots, and decomposed tomato material; and, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 10, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$200.

16736. Adulteration of tomato catsup. U. S. v. 36 Cases * * *. (F. D. C. No. 29682. Sample No. 74878-K.)

LIBEL FILED: August 9, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about August 31, 1949, by the Uco Foods Corp., from Newark, N. J.

PRODUCT: 36 cases, each containing 24 unlabeled bottles, of catsup at New York, 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.

DISPOSITION: August 25, 1950. Default decree of condemnation and destruction.

*See also No. 16701.