

**ALLEGED SHIPMENT:** On or about April 14, 1952, from the State of Indiana into the State of Nebraska.

**LABEL, IN PART:** "Brimfull Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product 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:** January 16, 1953. The defendant having entered a plea of nolo contendere, the court fined it \$300, plus costs.

**19684. Adulteration of canned tomatoes. U. S. v. 839 Cases \* \* \*. (F. D. C. No. 34770. Sample No. 55339-L.)**

**LIBEL FILED:** March 20, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about September 1, 1952, by Robbins Bros., from Cambridge, Md.

**PRODUCT:** 839 cases, each containing 24 1-pound cans, of tomatoes at Hornell, N. Y.

**LABEL, IN PART:** "Transquaking Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** April 13, 1953. Default decree of condemnation and destruction.

**19685. Adulteration of canned tomatoes. U. S. v. 148 Cases \* \* \*. (F. D. C. No. 33950. Sample No. 41789-L.)**

**LIBEL FILED:** October 24, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 26, 1952, by the Silverbrook Food Corp., from Wilmington, Del.

**PRODUCT:** 148 cases, each containing 24 1-pound cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Silverbrook Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

**DISPOSITION:** May 5, 1953. The Silverbrook Food Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the good portion from the bad, under the supervision of the Department of Health, Education, and Welfare. 17 cases and 6 cans of the product were found unfit and were destroyed.

**19686. Misbranding of canned tomatoes. U. S. v. 642 Cases \* \* \*. (F. D. C. No. 34132. Sample No. 39309-L.)**

**LIBEL FILED:** November 20, 1952, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about August 28, 1952, by Meade M. Hinton, from Browns Store, Va.

**PRODUCT:** 642 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Kinston, N. C.

**LABEL, IN PART:** "Westover Brand Tomatoes Contents 1 Lb. 3 Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled 1 pound and 3 ounces; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned tomatoes, and the label failed to bear a statement that the product fell below the standard.

Further misbranding (portion of product), Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since the drained weight was less than 50 percent of the weight of water required to fill the container and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** February 2, 1953. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

## MEAT AND POULTRY

**19687. Adulteration and misbranding of horsemeat. U. S. v. Anthony Pepe (Dubin's Market). Plea of guilty. Defendant fined \$500 and placed on probation for 1 year. (F. D. C. No. 32757. Sample Nos. 5854-L, 5855-L, 5860-L.)**

**INFORMATION FILED:** December 15, 1952, District of Rhode Island, against Anthony Pepe, trading as Dubin's Market, Central Falls, R. I.

**ALLEGED VIOLATION:** On or about August 17 and 24, 1951, while a quantity of horsemeat was being held for sale at Dubin's Market, after shipment in interstate commerce, the defendant caused a quantity of the horsemeat to be displayed in a showcase and sold as beef hamburger, which acts resulted in the article being adulterated and misbranded.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), horsemeat had been substituted for beef hamburger, which the article purported and was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, namely, beef hamburger.

**DISPOSITION:** January 6, 1953. The defendant having entered a plea of guilty, the court fined him \$500 and placed him on probation for 1 year.

**19688. Misbranding of horsemeat. U. S. v. Charles C. Kocmond, Robert Klotz, and Matt Klaersch. Pleas of not guilty. Tried to the jury; verdict of guilty. Fine of \$750 and 9 months' imprisonment against each defendant. Judgment affirmed on appeal to court of appeals. Petition for certiorari denied by Supreme Court. (F. D. C. No. 30048. Sample No. 59341-K.)**

**INFORMATION FILED:** July 3, 1951, Northern District of Illinois, against Charles C. Kocmond, Robert Klotz, and Matt Klaersch, partners in the partnership of K & S Dog Food, Oak Park, Ill., and in the partnership of the Metropolitan Distributing Co., Oak Park, Ill.

**ALLEGED VIOLATION:** On or about July 5, 1950, while a number of barrels of horsemeat were being held for sale by the defendants at Oak Park, Ill., after shipment in interstate commerce, the defendants caused a quantity of this