

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the labeling of the article failed to bear an accurate statement of the quantity of the contents, since the bags contained less than 50 pounds.

**DISPOSITION:** September 4, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

**11455. Adulteration and misbranding of potatoes. U. S. v. 255 Bags \* \* \***  
(F. D. C. No. 20421. Sample No. 38302-H.)

**LIBEL FILED:** July 27, 1946, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about June 21, 1946, by the National Produce Co., from Atherton, Mo.

**PRODUCT:** 255 100-pound bags of potatoes at Grand Rapids, Mich. Examination showed that the bags contained an average of 10 pounds of dirt.

**LABEL, IN PART:** "100 Lbs. Net Pony Express Missouri Grown Potatoes Grown By C. Ray Curtis and Son, Atherton, Mo."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), dirt had been substituted in part for potatoes.

Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents.

**DISPOSITION:** October 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered brought into compliance with the law, under the supervision of the Food and Drug Administration. The product subsequently was sold by the U. S. marshal.

**11456. Adulteration of potato chips. U. S. v. Red Dot Foods and Andrew B. Laing. Pleas of guilty. Fines of \$200 against the partnership and \$25 against the individual. (F. D. C. No. 20451. Sample Nos. 19535-H, 19540-H, 50655-H, 50656-H.)**

**INFORMATION FILED:** July 17, 1946, District of Minnesota, against Red Dot Foods, a partnership, St. Paul, Minn., and Andrew B. Laing, plant manager.

**ALLEGED SHIPMENT:** On or about December 28 and 29, 1945, and January 2, 1946, from the State of Minnesota into the States of Iowa, Wisconsin, and North Dakota.

**LABEL, IN PART:** "Red Dot \* \* \* Potato Chips."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), a portion of the article consisted in part of a filthy substance by reason of the presence of rodent hairs and insect fragments, and the remainder consisted in part of a decomposed substance by reason of the presence of decomposed potato material; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 6, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed fines of \$200 against the partnership defendant and \$25 against the individual defendant.

#### TOMATOES AND TOMATO PRODUCTS\*

**11457. Misbranding of canned tomatoes. U. S. v. 600 Cases \* \* \*** (F. D. C. No. 20729. Sample No. 41937-H.)

**LIBEL FILED:** August 15, 1946, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about July 2 and 6, 1946, by Sunrise Products, Inc., from Fort Pierce, Fla.

**PRODUCT:** 600 cases, each containing 24 cans, of tomatoes at Richmond, Va. Examination showed that the article was short-weight; that the drained weight was less than 50 percent of the weight of the water required to fill the container; and that the containers were filled to less than 90 percent of their capacity.

**LABEL, IN PART:** "Pure Food Brand Tomatoes Contents 1 Lb. 3 Oz. Thomas Roberts & Co., Distributors, Philadelphia, Pa."

\*See also No. 11310.