

10843. Misbranding of tomato puree. U. S. v. 501 Cases * * *. (F. D. C. No. 18082. Sample No. 24833-H.)

LIBEL FILED: November 5, 1945, Western District of Louisiana.

ALLEGED SHIPMENT: On or about August 17, 1945, by the Carthage Canning Co., Carthage, Tex.

PRODUCT: 501 cases, each containing 48 cans, of tomato puree at Monroe, La.

LABEL, IN PART: (Can) "Pantex Carthage Brand Tomato Puree Made from Whole Tomatoes Contents 10½ Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard 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: February 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State institution, for use as animal feed.

10844. Adulteration of tomato sauce. U. S. v. 2,123 Cases * * *. (F. D. C. Nos. 18623, 18624. Sample Nos. 46611-H, 46612-H.)

LIBEL FILED: December 6, 1945, District of Puerto Rico.

ALLEGED SHIPMENT: On or about November 14, 1945, by Hunt Foods, Inc., from San Francisco, Calif.

PRODUCT: 2,123 cases, each containing 72 8-ounce cans, of tomato sauce at San Juan, Puerto Rico.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Spanish Style Tomato Sauce."

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: November 16, 1946. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and disposed of in accordance with the law, under the supervision of the Federal Security Agency.

10845. Misbranding of tomato mushroom sauce. U. S. v. 35 Cartons * * *. (F. D. C. No. 19174. Sample No. 30612-H.)

LIBEL FILED: February 15, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about September 28, 1945, by the California Warehouse Co., from Los Angeles, Calif.

PRODUCT: 35 cartons, each containing 48 7½-ounce cans, of tomato mushroom sauce at Phoenix, Ariz.

LABEL, IN PART: "Santa Maria Brand Tomato Mushroom Sauce."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Tomato Mushroom Sauce" was false and misleading as applied to an article which consisted essentially of an onion-flavored tomato puree containing less than 1 percent of mushrooms.

DISPOSITION: April 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10846. Adulteration and misbranding of canned tomato soup. U. S. v. 189 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 18897, 19286, 19837, 20041. Sample Nos. 14387-H, 38968-H, 41724-H, 52851-H.)

LIBELS FILED: On or about January 31, March 4, and May 7 and 28, 1946, Southern District of West Virginia, Western District of Kentucky, Southern District of Ohio, and Western District of Michigan.

ALLEGED SHIPMENT: Between the approximate dates of September 6 and October 23, 1945, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: Tomato soup. 9 cases at Huntington, W. Va., 40 cases at Burkesville, Ky., 32 cases at Athens, Ohio, and 195 cases at Grand Rapids, Mich., each case containing 48 small or 24 large cans. All of the product was labeled tomato soup, but a portion of the lot seized at Huntington consisted of vegetable soup. The tomato soup contained decomposed tomato material.

LABEL, IN PART: "Jackson Brand Condensed Tomato Soup Net Weight 10½ Ounces [or "Contents 1 Lb. 4 Oz.]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (tomato soup) the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), (vegetable soup) the label statement "Condensed Tomato Soup" was false and misleading since the product was vegetable soup.

DISPOSITION: March 18, June 3 and 19, and July 16, 1946. No claimant having appeared, judgments of condemnation were entered and one lot was ordered delivered to a county institution, for use as animal feed, and the remaining lots were ordered destroyed.

NUTS AND NUT PRODUCTS

10847. Adulteration of nuts. U. S. v. Reliable Nut Company. Plea of nolo contendere. Fine, \$100 on count 1; sentence suspended on counts 2 and 3, and defendant placed on 2 years' probation. (F. D. C. No. 17785. Sample Nos. 30820-H, 30822-H, 31018-H.)

INFORMATION FILED: February 13, 1946, Southern District of California, against the Reliable Nut Company, a partnership, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about February 7, 8, and 20, 1945, from the State of California into the States of Oregon and Utah.

LABEL, IN PART: "Giant Virginia Delicious Salted Nuts * * * Royal Seal Nut Shop," or "Royal Seal Fancy Salted [or "Toasted Candy Covered"] Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and other hairs and dirt; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 11, 1946. A plea of nolo contendere having been entered, the defendant was fined \$100 on count 1. Imposition of sentence on the remaining 2 counts was suspended for a concurrent period of 2 years, conditioned that during this period the defendant should not further violate the laws of the United States.

10848. Adulteration of cashew nuts. U. S. v. 7 Cans * * *. (F. D. C. No. 19135. Sample No. 14474-H.)

LIBEL FILED: February 14, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 7, 1945, by William A. Higgins and Co., from New York, N. Y.

PRODUCT: 7 25-pound cans of cashew nuts at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts.

DISPOSITION: March 6, 1946. William A. Higgins and Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by cleaning under the supervision of the Food and Drug Administration. The decree provided further that unless the product were properly cleaned, it was to be disposed of for purposes other than human consumption or destroyed.

10849. Adulteration of peanuts. U. S. v. 204 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 19505, 20086. Sample Nos. 1256-H, 1257-H, 51512-H, 51513-H.)

LIBELS FILED: April 15 and June 11, 1946, Northern Districts of Georgia and Iowa.

ALLEGED SHIPMENT: Between the approximate dates of January 1 and February 18, 1946, by the Headland Peanut Co., from Headland, Ala.

PRODUCT: 604 125-pound bags of peanuts at Atlanta, Ga., and 800 125-pound bags of peanuts at Sioux City, Iowa.