

**DISPOSITION:** October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11264. Misbranding of tomato puree. U. S. v. 115 Cases \* \* \*. (F. D. C. No. 20048. Sample No. 59011-H.)**

**LIBEL FILED:** May 29, 1946, District of Montana.

**ALLEGED SHIPMENT:** On or about March 5, 1946, by the Valley Food Co., from Donna, Tex.

**PRODUCT:** 115 cases, each containing 100 4¾-ounce cans, of tomato puree at Great Falls, Mont.

**LABEL, IN PART:** "Del-I-Pak Brand Tomato Puree."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity established by the regulations, since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the standard.

**DISPOSITION:** October 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11265. Adulteration of tomato sauce. U. S. v. 200 Cases and 199 Cases \* \* \*. (F. D. C. Nos. 18978, 19008. Sample Nos. 29514-H, 46801-H.)**

**LIBELS FILED:** January 14 and 28, 1946, District of Puerto Rico.

**ALLEGED SHIPMENT:** On or about December 18, 1945, by the Banton Corp., from San Francisco, Calif.

**PRODUCT:** 399 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 \* \* \* Packed By Hunt Brothers Packing Company [or "Hunt Foods Inc.]" \* \* \* San Francisco Calif."

**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 29, 1947. No claim or answer having been filed, judgments of forfeiture were entered and the product was ordered destroyed.

## MEAT AND POULTRY

**11266. Adulteration and misbranding of frozen frog legs. U. S. v. 344 Packages \* \* \*. (F. D. C. No. 20013. Sample No. 60388-H.)**

**LIBEL FILED:** May 17, 1946, Western District of New York.

**ALLEGED SHIPMENT:** On or about April 27, 1946, by Morris Fisheries, Inc., from Chicago, Ill.

**PRODUCT:** 344 12-ounce packages of frozen frog legs at Buffalo, N. Y.

**LABEL, IN PART:** "Frog Legs \* \* \* Produced by Melver, Incorporated, Sebastian, Florida."

**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 viscera and of a putrid substance by reason of the presence of putrid frog legs; and, Section 402 (b) (2), portions of the back and head had been substituted in part for frog legs.

Misbranding, Section 403 (a), the designation "Frog Legs" was false and misleading as applied to the article, which contained portions of the back and head.

**DISPOSITION:** June 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11267. Adulteration of poultry. U. S. v. The Cudahy Packing Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 20184. Sample No. 6120-H.)**

**INFORMATION FILED:** November 15, 1946, Southern District of Iowa, against the Cudahy Packing Co., a corporation, trading at Winfield, Iowa.

**ALLEGED SHIPMENT:** On or about October 18, 1945, from the State of Iowa into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in part the product of a diseased animal by reason of the presence in the article of birds affected with tumors, and birds that were eggbound and had accessory ascites.

**DISPOSITION:** April 22, 1947. A plea of guilty having been entered, the court imposed a fine of \$100 and costs.

**11268. Adulteration of poultry. U. S. v. 108 Boxes \* \* \*. (F. D. C. No. 19463. Sample No. 154-H.)**

**LIBEL FILED:** April 1, 1946, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about March 13, 1946, by the Lawson Poultry Co., from Canton, Ga.

**PRODUCT:** 108 boxes, each containing 64 pounds, of poultry at Tampa, Fla. A portion of the poultry was decomposed.

**LABEL, IN PART:** "Cherokee Brand Gainesville Area Top Quality."

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

**DISPOSITION:** April 6, 1946. R. G. Lawson, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the separation of the fit from the unfit and the destruction of the latter, under the supervision of the Food and Drug Administration.

**11269. Adulteration of frozen chickens. U. S. v. 106 Barrels \* \* \*. (F. D. C. No. 20332. Sample No. 35529-H.)**

**LIBEL FILED:** June 17, 1946, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about April 24, 1946, by the National Produce Co., from Memphis, Tenn., to Camden, N. J. The shipment was rejected and returned on or about May 14, 1946.

**PRODUCT:** 106 barrels of frozen chickens at Memphis, Tenn.

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

**DISPOSITION:** June 24, 1946. The National Produce Co., Memphis, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for evisceration and segregation of the fit portion, under the supervision of the Food and Drug Administration. The unfit portion was denatured.

**11270. Misbranding of sandwich chicken. U. S. v. 51 Cases \* \* \*. (F. D. C. No. 19799. Sample No. 59214-H.)**

**LIBEL FILED:** April 26, 1946, Southern District of California.

**ALLEGED SHIPMENT:** On or about March 9, 1946, by the Mione Packing Co., Ltd., from McMinnville, Oreg.

**PRODUCT:** 51 cases, each containing 24 jars, of sandwich chicken at Los Angeles, Calif. Examination disclosed that the product consisted essentially of broth, ground chicken, cracked wheat, and rolled oats, and that, in addition, it was short weight.

**LABEL, IN PART:** (Jar) "Mione Brand Sandwich Chicken Contents: Chicken, Broth, Cereal, Salt and Spice Net Wt. 3½ Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the designation on the label "Sandwich Chicken" was misleading as applied to an article consisting essentially of broth, ground chicken, cracked wheat, and rolled oats; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** May 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**11271. Adulteration of frozen turkeys. U. S. v. 131 Boxes \* \* \*. (F. D. C. No. 18621. Sample No. 1138-H.)**

**LIBEL FILED:** December 3, 1945, Western District of North Carolina.