

LABEL, IN PART: "3 Lb. Net Mushrooms Joseph Teti & Son."

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 baskets contained less than the declared weight of 3 pounds.

DISPOSITION: January 16, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$500.

15687. Adulteration of canned black-eyed peas. U. S. v. 113 Cases * * * (F. D. C. No. 27732. Sample No. 52312-K.)

LIBEL FILED: August 31, 1949, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 2, 1949, by J. W. Wood, Lynchburg, Va., and H. L. Lawson & Sons, Roanoke, Va.

PRODUCT: 113 cases, each containing 24 1-pound, 4-ounce cans, of black-eyed peas at Hohenwald, Tenn.

LABEL, IN PART: "LaRue * * * Blackeyed Peas."

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

DISPOSITION: December 29, 1949. Default decree of destruction.

15688. Adulteration of potato chips and pecans. U. S. v. James P. Bush (Bush & Long Potato Chip Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 27513. Sample Nos. 49432-K, 49437-K.)

INFORMATION FILED: August 24, 1949, Western District of Texas, against James P. Bush, trading as the Bush & Long Potato Chip Co., El Paso, Tex.

ALLEGED SHIPMENT: On or about May 14 and 18, 1949, from the State of Texas into the State of New Mexico.

LABEL, IN PART: (Bags) "Bush's Fresh Pecans * * * Net Weight 4 oz." and "Longhorn Potato Chips Net Weight 8 oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents since the bags of pecans contained less than the declared 4 ounces and the bags of potato chips contained less than the declared 8 ounces.

DISPOSITION: January 11, 1950. A plea of guilty having been entered, the court fined the defendant \$150.

TOMATOES AND TOMATO PRODUCTS*

15689. Adulteration of canned tomatoes. U. S. v. Frank I. Mease (Reeds Spring Canning Co.). Plea of guilty. Sentence of 1 year in jail suspended and defendant placed on probation for 2 years. (F. D. C. No. 26813. Sample Nos. 20437-K, 27660-K, 27663-K.)

INFORMATION FILED: July 19, 1949, Western District of Missouri, against Frank I. Mease, trading as Reeds Spring Canning Co., Reeds Spring, Mo.

ALLEGED SHIPMENT: On or about September 15, 16, and 29, 1948, from the State of Missouri into the States of Arkansas and Kansas.

LABEL, IN PART: "Big League [or "Cheerio Brand" or "Red Raven"] Hand Packed Tomatoes."

*See also Nos. 15653-15655.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of maggots and fly eggs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 5, 1949. A plea of guilty having been entered, the court imposed a sentence of 1 year in jail. The sentence was suspended and the defendant was placed on probation for 2 years, provided that he sell his plant and discontinue the packing of tomato products.

15690. Adulteration and misbranding of canned tomatoes. U. S. v. 1,073 Cases * * *. (F. D. C. No. 27840. Sample Nos. 47183-K, 47184-K.)

LABEL FILED: September 14, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 22 and 28, 1949, by A. W. Sisk & Son and W. T. Andrews, from Cambridge, Md.

PRODUCT: 1,073 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Pittsburgh, Pa.

LABEL, IN PART: (Can) "Cardinal Brand Tomatoes * * * Packed By Walter T. Andrews & Son Cambridge, Md."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing added water had been substituted in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in such definition and standard. Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes since it contained excessive tomato peel, and its label failed to bear the statement that it fell below such standard.

DISPOSITION: January 5, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

15691. Adulteration of canned tomatoes. U. S. v. 99 Cases * * *. (F. D. C. No. 27666. Sample No. 60837-K.)

LABEL FILED: On or about July 29, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about May 24, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

PRODUCT: 99 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Lawrenceville, Ill.

LABEL, IN PART: "White Fairy Brand Tomatoes."

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: January 19, 1950. Default decree of condemnation. The court ordered that the product be sold for use other than for human consumption; otherwise, that it be destroyed.

15692. Misbranding of tomato puree. U. S. v. Anthony F. Taormina and Eugene A. Taormina (Taormina Co.). Pleas of guilty. Each defendant fined \$50. (F. D. C. No. 26321. Sample No. 23238-K.)

INFORMATION FILED: April 15, 1949, Southern District of Texas, against Anthony F. Taormina and Eugene A. Taormina, two of the partners of the Taormina Co., Donna, Tex.