

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

DISPOSITION: November 7, 1950. Walter T. Andrews and Lecompte Andrews, partners, trading and doing business as Walter T. Andrews & Son, 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 segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency.

On January 16, 1951, after segregation, 903 cases and 13 cans were released, and 20 cases and 11 cans, which were swells, were destroyed. The remaining 73 cases were in an indeterminate condition and were returned to the factory for removal of rust, replacing of discolored labels, and subsequent re-examination. Of these 73 cases, 43 cases ultimately were released as fit.

17434. Misbranding of canned tomatoes. U. S. v. 1,998 Cases * * *. (F. D. C. No. 30493. Sample No. 65560-K.)

LIBEL FILED: January 31, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 10, 1950, by the Mays Packing Co., from Mays, Ind.

PRODUCT: 1,998 cases, each containing 24 unlabeled No. 2 cans, of tomatoes at Chicago, Ill.

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and its label failed to bear a statement, as specified by the regulations, that it fell below such standard.

DISPOSITION: May 4, 1951. The Mays Packing Co., Mays, Ind., 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 relabeling, under the supervision of the Food and Drug Administration.

17435. Adulteration of tomato juice. U. S. v. 996 Cases * * *. (F. D. C. No. 29981. Sample No. 70407-K.)

LIBEL FILED: November 3, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 3, 1950, by Libby, McNeill & Libby, from Kokomo, Ind.

PRODUCT: 996 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Kansas City, Mo.

LABEL, IN PART: "Libby's Tomato Juice."

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

DISPOSITION: January 8, 1951. Libby, McNeill & Libby, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. Of 828 cases seized, 770 cases were released as good and the remainder were destroyed.

17436. Misbranding of tomato juice. U. S. v. 413 Cases * * *. (F. D. C. No. 30131. Sample No. 82255-K.)

LIBEL FILED: November 13, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 26, 1950, from Clarksburg, W. Va.,
This was a return shipment.

PRODUCT: 413 cases, each containing 12 cans, of tomato juice at Hanover, Pa.

LABEL, IN PART: "Hanover Brand Tomato Juice Contents 1 Qt. 14 Fl. Oz."

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. The cans contained less than the declared volume.

DISPOSITION: April 9, 1951. The Hanover Canning Co., Hanover, Pa., 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 conversion into sauce for canned beans, under the supervision of the Federal Security Agency.

17437. Adulteration of tomato puree. U. S. v. 699 Cases * * *. (F. D. C. No. 30407. Sample No. 33000-K.)

LABEL FILED: February 2, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 26, 1950, by the Hollister Canning Co., from Hollister, Calif.

PRODUCT: 699 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Philadelphia, Pa.

LABEL, IN PART: (Can) "San Benito Tomato Puree."

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

DISPOSITION: May 1, 1951. The Hollister Canning Co., Hollister, Calif., 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 segregation of the normal cans and destruction of the abnormal cans, under the supervision of the Federal Security Agency. Segregation resulted in the destruction of 9¼ cases, and the remainder was released to the claimant as good.

MEAT AND POULTRY

17438. Adulteration of poultry. U. S. v. 46 Boxes * * *. (F. D. C. No. 30476. Sample Nos. 89877-K, 89883-K.)

LABEL FILED: January 10, 1951, District of Nebraska.

ALLEGED SHIPMENT: On or about October 1, 7, 8, 13, 19, and 20, 1950, by Sheehan Produce, Le Mars, Iowa.

PRODUCT: 46 boxes containing approximately 2,500 pounds of poultry at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

DISPOSITION: January 19, 1951. C. A. Swanson & Sons, 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, conditioned that the unfit portion be segregated and destroyed, under the supervision of the Food and Drug Administration. 505 of the poultry were found to be satisfactory and were processed and canned, while 17 were found to be diseased and were denatured and destroyed.