

ALLEGED SHIPMENT: July 3 and 11, 1951, from the State of New York into the States of Pennsylvania and Ohio.

LABEL, IN PART: "A & P Sauerkraut * * * The Great Atlantic and Pacific Tea Company, New York, N. Y., Distributor."

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

DISPOSITION: January 28, 1952. A plea of guilty having been entered, the court fined the defendant \$500.

19134. Adulteration and misbranding of pickle chips. U. S. v. 494 Cases * * * (F. D. C. No. 31903. Sample No. 11212-L.)

LIBEL FILED: October 18, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 3, 1951, by I. Miller Pickles, Inc., from North Tonawanda, N. Y.

PRODUCT: 494 cases, each containing 4 1-gallon jars, of pickle chips at Cleveland, Ohio.

LABEL, IN PART: "Bertman Sweet Crispy Pickle Chips One-half pint fluid."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for pickle chips.

Misbranding, Section 403 (d), the container was so made, formed, or filled as to be misleading; and, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (Examination disclosed that less than $\frac{3}{4}$ of the volume of the jars contained pickle chips, with the remainder consisting of brine.)

DISPOSITION: September 3, 1952. The shipper, claimant, having admitted that the product was labeled inaccurately, the court entered judgment of condemnation ordering that the product be released under bond to be relabeled in compliance with the law and sold to institutions, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

19135. Adulteration of canned tomatoes. U. S. v. 962 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32302, 32362. Sample Nos. 7220-L, 7226-L.)

LIBELS FILED: December 19, 1951, and January 11, 1952, Western District of Pennsylvania. (Libel of December 19, 1951, amended January 22, 1952.)

ALLEGED SHIPMENT: On or about November 6 and 20 and December 12, 1951, by Howard Canning Co., Inc., from Pendleton, Ind.

PRODUCT: 962 cases and 247 cases, each containing 6 6-pound, 6-ounce cans of tomatoes at Pittsburgh, Pa.

LABEL, IN PART: (962-case-lot) "Premier Hand Packed Tomatoes"; (247-case lot) "Carson Quality Foods Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the 247-case lot consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and the 962-case lot consisted in whole or in part of a

filthy substance by reason of the presence of fly eggs and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 29, 1952. Howard Canning Co., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were 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. A total of 472 cases and 7 cans were segregated as bad and were delivered to the State hospital, for use as animal feed.

19136. Misbranding of canned tomatoes. U. S. v. 15 Cases * * *. (F. D. C. No. 32584. Sample No. 10836-L.)

LIBEL FILED: March 8, 1952, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 17, 1951, by the Old Black Joe Co., from Hohenwald, Tenn.

PRODUCT: 15 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Washington, Ind.

LABEL, IN PART: (Can) "Old Black Joe Net Contents 1 Lb. 3 Ozs. Hand Packed Tomatoes Packed By Green River Canneries, Inc., Madisonville, Kentucky."

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 cans contained less than the labeled "1 Lb. 3 Oz."; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned tomatoes.

DISPOSITION: June 20, 1952. Default decree of forfeiture and destruction.

19137. Adulteration of canned unpeeled plum tomatoes. U. S. v. 748 Cases * * *. (F. D. C. No. 30395. Sample No. 33789-K.)

LIBEL FILED: January 25, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about December 27, 1950, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 748 cases, each containing 24 1-pound, 12-ounce cans, of unpeeled plum tomatoes at Newark, N. J.

LABEL, IN PART: (Cans) "La Gustosa Brand Unpeeled Plum Tomatoes."

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: August 4, 1952. Flotill Products, Inc., 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 separation of the fit from the unfit and for destruction of the latter as food for human consumption, under the supervision of a representative of the Federal Security Administrator. A total of 557 cases and 22 cans were segregated and destroyed.

19138. Adulteration of tomato juice. U. S. v. 96 Cases * * *. (F. D. C. No. 31999. Sample No. 5881-L.)

LIBEL FILED: December 6, 1951, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 6, 1951, by Mason Canning Co., Inc., from Pocomoke City, Md.