

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of contamination with bird excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 1, 1955. The defendant having entered a plea of nolo contendere, the court fined it \$250, plus costs.

VEGETABLES AND VEGETABLE PRODUCTS*

21731. Misbranding of canned peas, canned tuna, and canned pineapple. U. S. v. Max Factor. Plea of guilty. Defendant fined \$250 and placed on probation for 1 year. (F. D. C. No. 35193. Sample Nos. 73021-L, 73027-L, 73029-L, 73052-L.)

INFORMATION FILED: November 6, 1953, Eastern District of Pennsylvania, against Max Factor, Philadelphia, Pa.

ALLEGED VIOLATION: Between the approximate dates of June 1, 1952, and March 13, 1953, while a number of cans of peas and pineapple were being held for sale on the business premises of the defendant, after shipment in interstate commerce, the defendant caused the labels to be removed from a number of cans of peas and pineapple and caused a number of different labels to be affixed to such cans, which acts of removing and relabeling resulted in the relabeled peas and pineapple being misbranded.

In addition, on or about March 5 and 13, 1953, the defendant caused a number of cans of peas and tuna to be introduced into interstate commerce, which articles were misbranded.

LABEL, IN PART: (Cans of peas prior to relabeling) "Below Standard In Quality And Not High Grade Early June Peas"; (relabelled cans of peas) "Broadcast Brand Wisconsin Early June Peas Packed by Klindt-Geiger Canning Co., Cassville, Wis."; (cans of pineapple prior to relabeling) "Pineapple Tidbits In Heavy Syrup"; (relabelled cans of pineapple) "Climax Brand Sliced Pineapple"; (cans of tuna) "Max Factor Philadelphia, Pa. Distributor Bingo Brand Tuna."

NATURE OF CHARGE: Peas. Misbranding, Section 403 (a), the label statement "Packed by Klindt-Geiger Canning Co., Cassville, Wis." appearing on the relabeled cans of peas and on the cans of peas introduced by the defendant into interstate commerce was false and misleading since the peas in such cans were not packed by the Klindt-Geiger Canning Co., Cassville, Wis. Further misbranding, Section 403 (h) (1), the article purported to be and was represented as canned peas of a smooth-skin variety, a food for which a standard of quality had been prescribed by regulations, and the article failed to conform to such standard because of high alcohol-insoluble solids; and the label failed to bear a statement that the article fell below such standard.

Pineapple. Misbranding, Section 403 (a), the statement "Sliced Pineapple" appearing on the relabeled cans was false and misleading since the article was not sliced pineapple but was pineapple tidbits.

Tuna. Misbranding, Section 403 (a), the label statement "Tuna" was false and misleading since the statement represented and suggested that the article was tunafish, whereas the article was not tunafish but was another variety of fish, namely, bonita.

*See also Nos. 21735, 21748, 21749.

DISPOSITION: March 23, 1954. The defendant having entered a plea of guilty, the court fined him \$250 and placed him on probation for 1 year.

21732. Adulteration of frozen black-eyed peas. U. S. v. Southern Frozen Foods, Inc., and William H. McKenzie, Jr. Pleas of nolo contendere. Fine of \$375 against each defendant. (F. D. C. No. 36629. Sample Nos. 38988-L, 42692-L, 72483-L, 72484-L, 78649-L.)

INFORMATION FILED: November 5, 1954, Middle District of Georgia, against Southern Frozen Foods, Inc., Montezuma, Ga., and William H. McKenzie, Jr., president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of July 7 and September 17, 1953, from the State of Georgia into the States of California and Kentucky and the District of Columbia.

LABEL, IN PART: (Carton) "McKenzie's Frozen Fresh Blackeye Peas Net Wt. 12 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects and insect-damaged peas.

DISPOSITION: December 20, 1954. The defendants having entered pleas of nolo contendere, the court imposed a fine of \$375 against each defendant.

21733. Adulteration of dried chickpeas. U. S. v. Louis Cohen. Plea of guilty. Fine, \$100. (F. D. C. No. 36643. Sample Nos. 62491-L, 75475-L.)

INFORMATION FILED: December 22, 1954, Southern District of New York, against Louis Cohen, New York, N. Y.

ALLEGED SHIPMENT: On or about January 7 and March 29, 1954, from the State of New York into the States of Missouri and Virginia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects.

DISPOSITION: January 18, 1955. The defendant having entered a plea of guilty, the court imposed a fine of \$100.

21734. Adulteration of sweet pickle relish. U. S. v. Harper & Bateman Pickle Co., Inc., and Judson C. Bateman. Plea of guilty by corporation and plea of nolo contendere by individual. Fine of \$150, plus costs, against corporation; individual placed on probation for 6 months. (F. D. C. No. 36578. Sample No. 84433-L.)

INFORMATION FILED: July 21, 1954, District of Maryland, against Harper & Bateman Pickle Co., Inc., Hurlock, Md., and Judson C. Bateman, president of the corporation.

ALLEGED SHIPMENT: On or about December 9, 1953, from the State of Maryland into the State of Pennsylvania.

LABEL, IN PART: (Jar) "Arthur Brand Sweet Pickle Relish Contents One Gallon Packed for Master Chef Foods Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of flies (*Drosophila*), insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.