

CHARGE: 402(a)(3)—contained *Drosophila* flies, *Drosophila* fly fragments and larvae, and other insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-3-63. Consent—claimed by M. M. Uchida, t/a California Zucca Melon Products, and reconditioned.

TOMATOES AND TOMATO PRODUCTS

28868. Canned tomatoes. (F.D.C. No. 48452. S. No. 10-166 V.)

QUANTITY: 85 cases, each containing 24 1-lb. cans, at Republic, Pa.

SHIPPED: 9-24-62, from Vienna, Md., by Royal Packing Co., Inc.

LABEL IN PART: (Can) "Royal Highness Brand Tomatoes Packed and/or Distributed By Royal Packing Co., Inc., Vienna, Md."

LIBELED: 11-16-62, W. Dist. Pa.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 12-20-62. Default—destruction.

28869. Canned tomatoes. (F.D.C. No. 48422. S. No. 40-697 V.)

QUANTITY: 250 cases, each containing 24 1-lb. 12-oz. cans, at Brooklyn, N.Y.

SHIPPED: 10-16-62, from Buena Park, Calif., by Uddo & Taormina Corp. of California.

LABEL IN PART: (Can) "Progresso Italian Style Peeled Tomatoes With Basil * * * Packed By Uddo & Taormina Corp. of California Buena Park, California."

LIBELED: 1-2-63, E. Dist. N.Y.

CHARGE: 403(h)(1)—when shipped, the article fell below the standard of quality for canned tomatoes since it contained tomato peel, per pound of canned tomatoes in the container, which covered an area of more than one square inch; and its label failed to bear, in such manner and form as the regulations specified, a statement that it fell below such standard.

DISPOSITION: 2-18-63. Consent—claimed by Uddo & Taormina Corp., Brooklyn, N.Y., and relabeled.

28870. Canned tomatoes. (F.D.C. No. 48625. S. No. 857 V.)

QUANTITY: 615 cases, each containing 6 6-lb. 6-oz. cans, at La Grange, Ga.

SHIPPED: 10-30-62, from Preston, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Red-Glo Peeled Tomatoes * * * Albert W. Sisk and Son—Distributors—Not Manufacturers—Main Office, Preston, Md., Sales Office, Aberdeen, Md."

LIBELED: 2-1-63, N. Dist. Ga.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 4-1-63. Default—destruction.

28871. Tomato juice. (F.D.C. No. 48438. S. No. 16-391 V.)

QUANTITY: 364 cases, each containing 24 12-oz. cans, at Lancaster, Ky.

SHIPPED: Between 8-15-62 and 9-26-62, from Trafalgar, Ind., by Kenneth N. Rider Co., Inc.

LABEL IN PART: (Can) "RED Gold BRAND INDIANA TOMATO JUICE * * *
DISTRIBUTED BY KENNETH N. RIDER CO., INC., TRAFALGAR,
INDIANA."

LIBELED: 12-28-62, E. Dist. Ky.

CHARGE: 402(a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-30-63. Default—destruction.

28872. Tomato ketchup. (F.D.C. No. 48706. S. No. 15-946 V.)

QUANTITY: 36 cases, each containing 6 7-lb. 3-oz. cans, at Cincinnati, Ohio.

SHIPPED: 9-24-62 and 10-30-62, from Muncie, Ind., by HLH Products.

LABEL IN PART: (Can) "Niehaus Red Label Tomato Ketchup Distributors
Niehaus Bros. Cincinnati 14, Ohio."

LIBELED: 2-18-63, S. Dist. Ohio.

CHARGE: 402(a) (3)—contained *Drosophila* fly eggs and maggots, and decomposed tomato material when shipped.

DISPOSITION: 4-17-63. Default—destruction.

28873. Spaghetti sauce (tomato product). (F.D.C. No. 47885. S. Nos. 55-668/9 T.)

INFORMATION FILED: 12-29-62, N. Dist. N.Y., against Ventre Packing Co., Inc., Syracuse, N.Y.

SHIPPED: On 2-28-62, from Syracuse, N.Y., to Linden, N.J.

LABEL IN PART: (Jar) "Enrico's Spaghetti Sauce or ["Enrico's Spaghetti Sauce With Mushrooms"] Net Wt. 1 lb. 13 oz. A product of Ventre Packing Co., Syracuse, New York."

CHARGE: 403(e) (2)—when shipped, the label of the article failed to bear an accurate statement of the quantity of the contents, since its label represented that each jar contained 1 lb. 13 oz. whereas each jar contained less than 1 lb. 13 oz.

PLEA: Guilty.

DISPOSITION: 1-21-63. Fined \$500.

28874. Spaghetti sauce (tomato product). (F.D.C. No. 47877. S. Nos. 14-328 T, 41-352 T.)

INFORMATION FILED: 11-27-62, W. Dist. N.Y., against S. Gumpert Co., Inc., Ontario, N. Y., and Leonard Gminski, plant manager.

SHIPPED: Between 11-9-61 and 11-22-61, from Ontario, N.Y., to Chicago, Ill., and Jersey City, N.J.

LABEL IN PART: (Can) "Gumpert's Supreme Brand Spaghetti Sauce Net Contents 1 Quart Made in U.S.A. by S. Gumpert Co., Inc., Jersey City, N.J."
"Gumpert's Spaghetti Sauce Contents 3 Quarts Made in U.S.A. by S. Gumpert Co., Inc., Jersey City, N.J."

CHARGE: 402(a) (3)—when shipped, contained insects, insect fragments, maggot and fly eggs; and 402(a) (4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 3-25-63. Corporation—\$1,000 fine; Gminski—\$500 fine.