

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes, since it failed to meet the test for drained weight prescribed by the regulations; and its label failed to bear the substandard legend.

DISPOSITION: December 9, 1947. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

12726. Adulteration of canned tomato paste. U. S. v. San Jose Canning Co., Ignatius Rancadore, and Eugene J. Filice. Plea of nolo contendere. Company fined \$100; individuals each fined \$1.00. (F. D. C. No. 24063. Sample No. 75966-H.)

INFORMATION FILED: January 7, 1948, Northern District of California, against the San Jose Canning Co., San Jose, Calif., a partnership, and Ignatius Rancadore and Eugene J. Filice, partners.

ALLEGED SHIPMENT: On or about March 17, 1947, from the State of California into the State of New York.

LABEL, IN PART: "Verona Brand Tomato Paste."

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

DISPOSITION: February 19, 1948. Pleas of nolo contendere having been entered by the defendants, the partnership was fined \$100 and the individual defendants were each fined \$1.00.

12727. Adulteration of canned tomato paste. U. S. v. 499 Cases * * *. (F. D. C. No. 22956. Sample No. 75966-H.)

LIBEL FILED: April 21, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 17, 1947, by the San Jose Canning Co., from San Jose, Calif.

PRODUCT: 499 cases, each containing 96 6-ounce cans, of tomato paste at Brooklyn, N. Y.

LABEL, IN PART: "Verona Brand Tomato Paste."

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

DISPOSITION: October 14, 1947. The San Jose Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and denaturing of the unfit portion, under the supervision of the Federal Security Agency.

NUTS

12728. Adulteration of brazil nuts. U. S. v. 160 Bags * * * (and 3 other seizure actions). (F. D. C. Nos. 23895, 23935, 23993, 24139. Sample Nos. 3803-K, 6209-K, 12216-K, 12235-K.)

LIBELS FILED: October 29, November 6 and 26, and December 8, 1947, Western, Eastern, and Middle Districts of Pennsylvania, and District of Maryland.

ALLEGED SHIPMENT: Between the approximate dates of September 22, and October 30, 1947, by the Graham Co., Inc., from New York, N. Y.

PRODUCT: Brazil nuts. 160 bags at Pittsburgh, Pa.; 25 bags at Hazelton, Pa.; 19 bags at Baltimore, Md.; and 57 bags at Philadelphia, Pa. Each bag contained 50 pounds.

LABEL, IN PART: "Red Bow."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), two lots consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed nuts; one lot consisted in whole or in part of a filthy and decomposed substance by reason of the presence of wormy, moldy, and otherwise decomposed nuts; and the fourth lot consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid nuts, and this lot was otherwise unfit for food by reason of the presence of shriveled nuts.

DISPOSITION: November 25, 1947. The Graham Co., Inc., claimant for the Pittsburgh lot, having admitted the allegations of the libel, judgment of con-