

**16787. Adulteration of canned tomatoes. U. S. v. 500 Cases \* \* \*. (F. D. C. No. 29748. Sample No. 84836-K.)**

**LIBEL FILED:** September 22, 1950, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about August 28, 1950, by Roberts Bros., Inc., from Baltimore, Md.

**PRODUCT:** 500 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Lexington, Ky.

**LABEL, IN PART:** (Can) "Roberts Big R Brand Tomatoes."

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

**DISPOSITION:** October 10, 1950. Roberts Bros., Inc., Baltimore, Md., 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 it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The good portion was segregated from the bad, with the result that 304 cases were released to the claimant and 196 cases were destroyed.

**16788. Adulteration of tomato puree. U. S. v. 179 Cases \* \* \*. (F. D. C. No. 29903. Sample No. 77076-K.)**

**LIBEL FILED:** September 27, 1950, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 21, 1950, by Quality Products, Inc., from La Feria, Tex.

**PRODUCT:** 179 cases, each containing 48 10½-ounce cans, of tomato puree at Cairo, Ill.

**LABEL, IN PART:** "Curtis Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots and fly eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** November 8, 1950. Default decree of condemnation and destruction.

## NUTS

**16789. Adulteration of pecans. U. S. v. 150½ Bags \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 27982, 27983, 28345. Sample Nos. 50282-K to 50284-K, incl., 50943-K, 64444-K, 68132-K to 68135-K, incl., 68212-K to 68219-K, incl.)**

**LIBELS FILED:** November 10 and 16 and December 14, 1949, District of Minnesota and Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 28 and 29, 1949, by the Consolidated Pecan Sales Co., from Albany, Ga.

**PRODUCT:** Pecans. 1,007½ bags, each full bag containing 50 pounds; 50 100-pound bags; and 465 cases, each containing 25 1-pound packages, at Minneapolis, Minn., and Seattle and Kelso, Wash.

**LABEL, IN PART:** "King Cole \* \* \* Paper Shell Pecans."

**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 rancid, moldy, and otherwise decomposed nuts, and a portion (32 50-pound bags)

was otherwise unfit for food by reason of the presence of shriveled nuts and empty shells.

**DISPOSITION:** November 25, 1949, and January 9, 1950. The Consolidated Pecan Sales Co., claimant, having consented to the entry of decrees, judgments of condemnation were 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. The segregation operations resulted in the destruction of approximately 12½ percent of the seized nuts.

## OIL

**16790. Supplement to notice of judgment on foods, No. 13346. U. S. v. 6 Cans, etc. Suit for forfeiture of bond following condemnation and release of product under bond; bond ordered forfeited. (F. D. C. Nos. 21944, 21946. Sample Nos. 65637-H, 65638-H.)**

Subsequent to the entry of the decree of condemnation against the 6 cans and 50 cases of edible oil under seizure in the case and the release of such product under bond to the Emperor Dairy Products Co., Inc., claimant, a motion was filed on behalf of the Government for forfeiture of the bond for failure to comply with the terms of the decree requiring that the re-refining, purifying, repacking, and relabeling of the product provided for under the decree be supervised by the Federal Security Agency. An affidavit in opposition to the motion was then filed on behalf of the claimant; and on September 6, 1950, the court, after due consideration, sustained the Government's motion and ordered that the claimant's bond in the amount of \$3,000 be forfeited.

## POULTRY

**16791. Adulteration of dressed poultry. U. S. v. Blue Star Foods, Inc., David J. Kaplan, and Joe S. Kaplan. Pleas of nolo contendere. Corporation fined \$200, plus costs; each individual fined \$25. (F. D. C. No. 29135. Sample Nos. 70104-K, 70105-K, 70113-K, 70118-K, 70119-K.)**

**INFORMATION FILED:** May 16, 1950, District of Nebraska, against Blue Star Foods, Inc., Wahoo, Nebr., and David J. Kaplan, president, and Joe S. Kaplan, manager of the corporation.

**ALLEGED SHIPMENT:** On or about October 21 and 28 and November 29, 1949, from the State of Nebraska into the State of Iowa.

**LABEL, IN PART:** (Box) "Blue Moon Poultry [or "Red" or "Blue Diamond Fowl"] \* \* \* Pkd. By Blue Star Produce Inc. Gen. Off. Co. Bluffs, Ia."

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

**DISPOSITION:** November 27, 1950. Pleas of nolo contendere having been entered, the court fined the corporation \$200, plus costs, and each individual defendant \$25.

**16792. Adulteration of dressed poultry. U. S. v. 13 Boxes \* \* \*. (F. D. C. No. 29724. Sample No. 57176-K.)**

**LABEL FILED:** September 11, 1950, District of Connecticut.