

**NUTS AND NUT PRODUCTS\***

**17587. Adulteration of brazil nuts. U. S. v. 599 Boxes \* \* \* (and 1 other seizure action). (F. D. C. Nos. 29863, 30237. Sample Nos. 93064-K, 93066-K.)**

**LIBELS FILED:** November 3 and 9, 1950, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about October 18 and 23, 1950, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

**PRODUCT:** 599 boxes, each containing 25 1-pound bags, and 239 boxes, each containing 25 1-pound packages, of brazil nuts at Atlanta, Ga.

**LABEL, IN PART:** (Bag) "Holly Large Washed Brazil Nuts."

**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 moldy nuts, and it was otherwise unfit for food by reason of the presence of rancid nuts.

**DISPOSITION:** November 20, 1950. Wm. A. Higgins & 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 for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations resulted in the release of 14,274 pounds of good nuts. The unfit portion, 5,975 pounds, was destroyed.

**17588. Adulteration of peanuts. U. S. v. 25 Bags \* \* \*. (F. D. C. No. 30958. Sample No. 18930-L.)**

**LIBEL FILED:** June 21, 1951, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about December 20, 1950, from Plymouth, N. C.

**PRODUCT:** 25 100-pound bags of peanuts at Sioux City, Iowa, in the possession of the Tolerton & Warfield Co., Sioux City, Iowa.

**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 rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 21, 1951. The Tolerton & Warfield Co., Sioux City, Iowa, 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 segregation of the fit portion from the unfit, and that the unfit portion be destroyed or converted into animal feed or otherwise brought into compliance with the law, under the supervision of the Federal Security Agency. Segregation operations resulted in the release of 22½ bags of peanuts as fit. Each of these bags contained approximately 95 pounds.

**17589. Adulteration and misbranding of shelled Spanish peanuts. U. S. v. 11 Unlabeled Bags \* \* \*. (F. D. C. No. 30877. Sample No. 9883-L.)**

**LIBEL FILED:** March 29, 1951, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 13, 1951, by the E. B. Johnson Co., from Dallas, Tex.

**PRODUCT:** 11 120-pound unlabeled bags of shelled Spanish peanuts at Chicago, Ill.

\*See also No. 17553.